WILLIAM GREIDER ON PELOSI'S MOMENT

The Nation.

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WHO'S IN CHARGE OF AFGHANISTAN POLICY?
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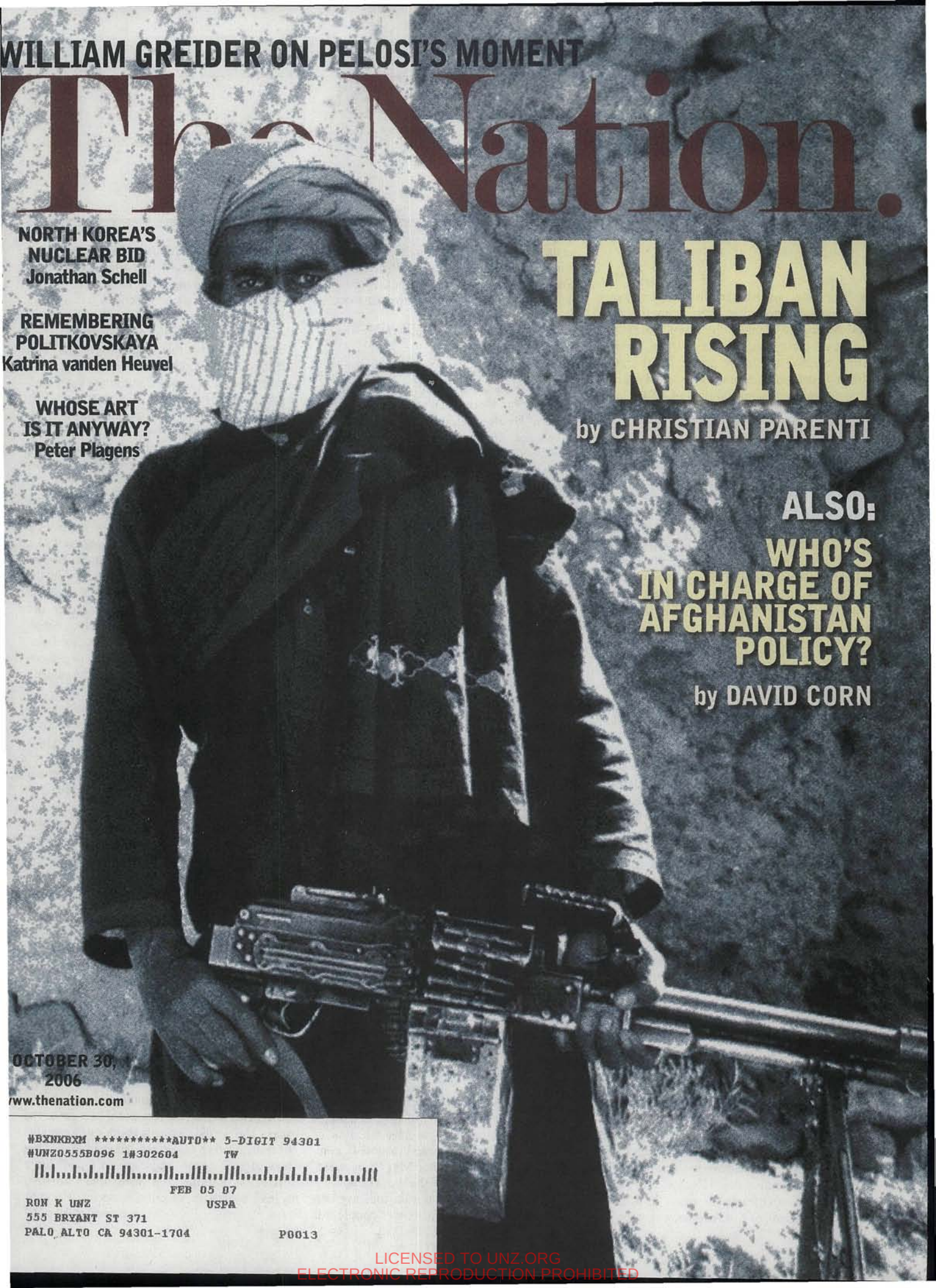

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LETTERS

R.O. BLECHMAN

THE GOOD, THE BAD & THE UGLY

Portland, Ore.

■ *The Nation* has published lists of courageous and cowardly elected officials many times. It is time now to applaud the seven House Republicans (Ron Paul, Roscoe Bartlett, Wayne Gilchrest, Walter Jones, Steven LaTourette, James Leach, Jerry Moran) who voted against the "enemy combatant" bill (HR 6166), and condemn the thirty-four (!) Democrats who voted for it (Robert Andrews, John Barrow, Melissa Bean, Sanford Bishop, Dan Boren, Leonard Boswell, Allen Boyd, Sherrod Brown, Ben Chandler, Bud Cramer, Henry Cuellar, Lincoln Davis, Artur Davis, Chet Edwards, Bob Etheridge, Harold Ford, Bart Gordon, Stephanie Herseth, Brian Higgins, Tim Holden, Jim Marshall, Jim Matheson, Mike McIntyre, Charles Melancon, Michael Michaud, Dennis Moore, Collin Peterson, Earl Pomeroy, Mike Ross, John Salazar, David Scott, John Spratt, John Tanner, Gene Taylor). JOHN M. SHAW

EAST OR WEST, BOSTON IS BEST

Boise, Idaho

■ Trudy Lieberman writes that Massachusetts hospitals spend 44 percent more than other states ["No Rx in Massachusetts," Sept. 18]. I say, thank God. Our son sat in a New Orleans hospital, before Katrina, waiting for a cancerous testicle to be removed. For ten hours, while he lay in pre-op, the hospital's insurance department denied coverage for his surgery, because it did not like the way his insurance carrier worded its contract. After surgery, neither the doctor's office nor the hospital could get his treatment together. A month went by, and we encouraged my son and his wife to leave for Boston, where she was beginning a post-doc. Arrangements for our son's treatment were made before he even arrived at Massachusetts General. Everyone deserves this level of care. SALLY RYCHERT

LIEBERMAN REPLIES

New York City

■ Sally Rychert implies that quality medical care is connected to spending more money. Nothing is further from the truth. The United States spends more money on healthcare than any other country and yet our health statistics are abysmal when compared with other developed countries and some that are less developed. Medical errors, insurance snafus and delayed care occur every day in every state. The financial incentives are misaligned everywhere, not just in Louisiana. Poor care, which Rychert's son experienced in New Orleans, can occur in Boston, New York, Miami or Los Angeles, where spending on medical treatment is high. The US health system is in dire need of reform, but more money thrown into the pot is not the solution.

TRUDY LIEBERMAN

BEST OF *TIMES*, WORST OF TIMES

Washington, DC

■ George Archibald, a former employee of the *Washington Times*, is virtually the only named source in Max Blumenthal's October 9 "Hell of a *Times*." He also is clearly the overall architect of the piece. Archibald resigned under pressure from the *Times* in August 2005. In a series of e-mails beginning October 25 and in a meeting in my office between Christmas and New Year's Day, he pleaded to come back but was not rehired for well-documented reasons that he is thoroughly aware of. Since then Archibald has engaged in an increasingly vicious and fictitious cyber-campaign against the *Times*, and me in particular. Blumenthal was aware of Archibald's employment history at the *Times* but chose not to mention it in his article.

Every situation involving me described by Archibald is a fabrication. Every quotation attributed to me by Archibald is false and repugnant. The newsroom described by Blumenthal in his article with Archibald's help is a fiction.

In addition, Blumenthal's smear of my wife, Marian, who has absolutely nothing to do with the editorial direction of the *Washington Times*, is beneath contempt. It is fascinating to note that Blumenthal chose to delete this portion of my wife's e-mail to Archibald: "Your charges are untrue or, at best, wildly distorted out of all proportion—and you KNOW they are."

But then this article is not about Marian, me or editor in chief Wesley Pruden. It is a desperate effort to undercut the fine work of the hundreds of men and women who have made the *Times* one of the most powerful newspapers in America and the rest of the world.

Please do not regard my failure to mention other portions of the article as an acknowledgment of their veracity. In the interest of brevity, I am merely citing a few key examples to illustrate the overall mendacity of Blumenthal's piece.

FRANCIS B. COOMBS JR.
Managing editor
The Washington Times

Crofton, Md.

■ *Nation* attacks *Washington Times*. Rabid dog bites man. I have no need to defend a single word of mine, because we have freedom of speech here in America—use it or lose it, comrades. No one died and made Max "Son of Sid" Blumenthal commissar of the thought police.

Actually, I enjoy his notion that my husband and I are a political power couple à la Bill and Hillary, or Julius and Ethel. Speaking of the latter, I'll never forget attending a "mass meeting" at some big venue in New York back in my left-wing days. I believe it was Ron Radosh at the podium, attempting to convey the bad news from the freshly declassified Venona intercepts that, yeah, Alger Hiss and the Rosenbergs had been guilty as charged. All around me ranks of old Communist Party stalwarts raspingly chanted, "Lie-YER, lie-YER, lie-YER!" to drown him out and shut him up. I thought to myself, What a nasty bunch, and Blumenthal et al. creep me out the same way.

MARIAN COOMBS

Phoenix

■ Max Blumenthal's article was accurate and a strong contribution to the history of journalism. I know from friends at the *Washington Times* that editors Wesley Pruden and Francis Coombs have conducted a relentless campaign in the newsroom via the company's internal e-mail and bulletin board to besmirch my character and integrity as a named source in the story. Forget the fact that Blumenthal had more than a dozen other *Times* sources currently in the newsroom who confirmed everything I said on the record.

Pruden's statement to the *Times* staff in a recent memo regarding "the speculations of addled idle minds that would be more usefully employed at Alcoholics Anonymous" was particularly vicious, as I have been a member of AA for many years, as was my mother, sober for thirty-five years, thanks to AA. Pruden hands out this gratuitous back-stab as an intended smear of me without answering Blumenthal's very serious points about the racism, sexism, bullying management style and so forth of Pruden and Coombs.

The fact is, Pruden and Coombs have no answer, because Blumenthal was correct in every aspect on these issues and the stated views of Pruden and Coombs. Their only answer—character assassination of Blumenthal's sources without countering the substantive facts—should tell your readers that the piece was dead-on correct.

Coombs's assertion [in his letter, posted on MediaBistro's FishBowlDC] that I resigned under pressure from the *Times* is an absolute lie. I retired on my own terms. Coombs attended my going-away lunch in September with retired Senator Harry Byrd Jr. of Virginia and many of the newspaper's staunch employees and several dozen Washington movers and shakers over the years, and waxed eloquent about our journalistic feats together. Coombs's denunciations of me now, after the paper chose me for four Pulitzer Prize nominations for investigative reporting, is hard to fathom, except to note that Coombs

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EDITORIALS

Bush Busts Unions

More than seventy years ago Congress designed the nation's basic labor law to encourage—not just permit but encourage—workers to organize and bargain collectively with their employers. More than any government since then, the Bush Administration has been committed to just the opposite—stifling the right of workers to organize.

Most dramatic, in an arcane ruling on what it means to be a supervisor, Bush's NLRB in late September took away the legal protection for millions of workers to join a union. It may count as the most significant assault on workers' rights since the passage of the Taft-Hartley Act in 1947, but it is perfectly consistent with other actions by this Administration. The NLRB had already restricted the right to organize of graduate student employees, temporary workers and the disabled, and Bush abolished collective bargaining for federal workers in Homeland Security and the Transportation Security Administration (and tried to do the same at the Defense Department). Add to this the fact that unionbusting employers enjoy virtual immunity, and it's clear why the ranks of the labor movement are thinning even as 57 million Americans say they would join unions if given a free choice to do so.

In its recent "Kentucky River" cases, named for a Supreme Court case on the status of supervisors, the NLRB ruled that workers like "charge nurses" at a hospital who give low-level assignments to co-workers count as supervisors and thus are not guaranteed the right to join a union. In 1947 foremen were banned from joining unions, but "minor supervisory employees" were allowed to keep their union rights. The new definition by the Bush-appointed majority would exclude about 8 million workers who exercise such minor supervision in industries from healthcare to manufacturing to construction, according to the Economic Policy Institute. The dissenters on the NLRB argued that as a result of this latest decision, most professionals—soon nearly a quarter of the workforce—could be denied the right to unionize.

It is uncertain who will be affected. Employers can choose when they want to fight over which workers are supervisors, and the definitions are open to interpretation. That guarantees endless litigation and delays, making the NLRB election procedure even more of a barrier to collective bargaining than it already is. Frustrated with the labor board's onerous procedures, unions already do four-fifths of their organizing by directly pressuring companies for recognition when a majority of workers sign union cards. One of labor's top legislative priorities, the Employee Free Choice Act, which guarantees workers the right to use this "card check" procedure, has 216 House and forty-five Senate sponsors.

Beyond crushing workers' rights, the supervisor decision is out of touch with today's workplace, where professional and technical workers are still workers in need of a collective voice, even if they do have more discretion than factory assemblers, and where businesses try to classify relatively routine work as managerial to increase control over and loyalty from workers. AFL-CIO attorney Craig Becker speculates that Wal-Mart could create teams of its "associates" who would rotate responsibility for assigning who puts what stock on which shelves, potentially making them all managers under the NLRB's new definition. Ploys like this would vastly expand the number of workers removed from unions.

Unions are still the main force for economic justice; indeed, 15 percent of the increase in wage inequality among men in the past twenty-five years is due to deunionization. The NLRB decision also has political implications. More union members means more votes for progressive, usually Democratic, candidates (see David Moberg, "Laboring Toward Election Day," page 21). Labor plans to fight back: at the bargaining table, in organizing drives, in the courts and with new laws to narrow the exclusion of supervisors. It's a fight, like all fights for workers' rights, that's crucial not just for unions but for the entire progressive movement.

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COMMENT

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Shock Waves From Kilju

The reported North Korean nuclear test, occurring in an underground shaft in a place called Kilju, was pretty much on the opposite side of the earth from the United States, yet it felt very close, almost as if it had occurred here, or maybe, in that peculiar way of atomic explosions, everywhere on earth at once. (For one thing, the pictorial representations of the shocks radiating outward from ground zero to seismographs all over the globe reinforced this feeling.) There is something about nuclear explosions that collapses distance. Americans felt the effect immediately after Hiroshima. Truman said of the bomb, "We thank God it has come to us instead of to our enemies." But many also instantly felt that American cities, too, were at risk, or soon would be. James Reston of the *New York Times* wrote, "In that terrible flash 10,000 miles away, men here have seen not only the fate of Japan but have glimpsed the future." Another commentator remarked, "It would be the same as Denver, Colorado...being there one moment and wiped out the next." Soon, of course, the bomb did come to America's enemies, and now one more of them may possess it. The bomb had been presented to the world as a "weapon" for "war," but it turned out to be a kind of crack in the earth into which the whole species could fall, never to be heard from again. And so as the news from Kilju flashed around the world, it again carried with it visions of the downfall of America's cities, of collapsing skylines in New York, Chicago, LA. Or in Beijing, Tokyo or Delhi.

Of course, there had been a lot of diplomacy aimed at preventing what has now apparently happened. In 1994 President Clinton, with the help of former President Carter, negotiated an Agreed Framework under which North Korea froze its plutonium production facilities. But President Bush, who seems to despise any work of man with Clinton's fingerprints on it, rejected this approach, upended the Agreed Framework and turned to confrontation. Korea kicked out international inspectors and resumed the separation of plutonium. Faced with these events, Bush joined six-party talks that... But why go on? There will be time enough to unravel that story later.

It's enough now to observe that the diplomacy continued but led to nothing, as it had to, for it was based on the fundamentally false and unworkable premise that countries that insist on having nuclear weapons can prevent proliferation by those who don't, a process that a French defense minister once described as trying to "castrate the impotent." The indivisibility of the nuclear dilemma that Americans felt after Hiroshima and the chill in their bones that everyone now feels again is also a feature of the arsenals that produce the chill. They are all the progeny of the same scientific formulas and technical inventions, and for more than sixty years, they have been summoning one another into existence, terror provoking counterterror, bomb dueling bomb. And it is not, of course, North Korea's tiny arsenal that can lay waste continents and bring on nuclear winter; it is the arsenals of the United States and Russia, not to speak of England, France, China, Pakistan, India and Israel, about none of which anyone seems to have had a great deal to say recently.

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COMMENT

And now it looks as if it's here: the North Korean bomb, with Kim Jong Il's finger poised over his very own nuclear button. The endangered species let out a cry of pain, like someone who has been kicked. It took the form of a unanimous resolution at the United Nations Security Council condemning the test. But the question has never been whether or not anyone likes nuclear bombs but what they are going to do about them. Nothing that comes close to dealing with the danger at the proper depth was suggested by the Council or anyone else.

Our President spoke, too. It was he who once said the United States "will not permit" acquisition of the bomb by countries in his "axis of evil," which included North Korea as well as Iraq and Iran—last week's highlighted nuclear peril. Now, backing up, he said, "The transfer of nuclear weapons or material by North Korea to states or nonstate entities would be considered a grave threat to the United States, and we would hold North Korea fully accountable for the consequences of such action." His words seemed to evaporate as he spoke, as if carried off by the North Korean blast. He has halted nuclear proliferation where it was not happening—in Iraq—and let it happen where it was.

And who indeed imagines that, in the absence of a global effort to deal with nuclear danger in its entirety, anyone can tear Kim Jong Il away from his new device? He cannot feed his own people, yet he holds all Asia hostage to nuclear destruction. It is all he *can* do, this strange dictator presiding over his pitiless regime, now holding the pitiless weapon, which spares no one, in his hand.

Other things were going on too this week. The Dow Jones was hovering around a record high. Home prices were heading south. The election campaign was rolling ahead. The scandal over Congressman Mark Foley's filthy Instant Messages to Congressional pages was continuing to unfold.

Those things, or some of them, were important in the way that things that happen in human life are, but not in the way that things that can end any and all human life are. For every one of those events, and all they mean or will ever mean, can, together with the whole human fabric, be brought to nothing in the flashlit void of the apocalypse of which a forgetful world was reminded by the shock waves spreading out from Kilju. JONATHAN SCHELL

Jonathan Schell, The Nation*'s peace and disarmament correspondent, is a senior fellow of The Nation Institute.*

Ban's First Challenge?

During the recent United Nations campaign that ended with the nomination of South Korean Foreign Minister Ban Ki-moon as the organization's next Secretary General, US ambassador John Bolton several times took pains to describe the competition as one to become the UN's "chief administrative officer." He and previous US representatives have also quipped that they want "more secretary and less general" occupying the offices on the thirty-eighth floor of UN headquarters in New York.

Of course, no UN Secretary General has ever, outside the hyperbole of American unilateralists, aspired to generalhood. The position has often been compared to the papacy, but the SG does not have the Swiss Guard to back him up, and even his best friends would not say he was infallible.

It is true that the "We the peoples of the United Nations" mentioned in the Charter expect a Secretary General to have moral authority and to represent the best principles of the organization. And in fact Ban has expressed a strong commitment to human rights and to the International Criminal Court—hardly Bolton's most popular cause—as well as to the concept of the "responsibility to protect," not exactly China's or Russia's top priority either.

But what UN members want most is a chief diplomat and peacemaker, and Ban has demonstrated his credentials there by winning the election. He persuaded fifteen nations, each with strongly differing ideas about what the job entails, that he was the best person to do it—and he did so without once being caught in a contradictory position. Ban cited as one of his major qualifications his experience as South Korea's foreign minister, and looking at Seoul's tightrope act between Russia, China, Japan, North Korea and the United States, he was right to do so. Under its social democratic government, South Korea has pragmatically balanced its dependence on US forces to counter the North with its desire to maintain constructive relations with Pyongyang.

At one campaign event, Ban described the United States as the UN's "most important member," which had some pious souls throwing up their hands in horror, since according to the Charter all members are equal. But in reality, some *are* more equal than others. It augurs well that he could state an unpalatable truth like that—and get support from the Chinese ambassador for it.

In many ways Ban Ki-moon is reminiscent of outgoing Secretary General Kofi Annan: He is quiet-spoken, avoids giving gratuitous offense and holds strongly to basic principles. It may be hard to remember, but a decade ago Annan was the US choice when Secretary of State Madeleine Albright brought down the chopper on Secretary General Boutros Boutros-Ghali—who on his appointment had been widely attacked in the Arab world for his allegedly pro-American role in the original Camp David agreement between Israel and Egypt.

It is only a matter of time before Ban and the United States are at loggerheads, since any honest Secretary General has to treat international law and the UN Charter with a consistency that recent US administrations have lacked. Washington has regarded them as clubs with which to hit enemies or irrelevant superstitions to be discarded when inconvenient.

So while John Bolton expressed nearly proprietary satisfaction with Ban's appointment, it is almost reassuring to note that Bolton's soulmates at the Heritage Foundation had expressed doubts about Ban's suitability, citing Seoul's reluctance "to confront North Korea on human rights or its belligerence and nuclear ambitions" and alleging that "Ban has said little about UN reform, and there are questions about his commitment to it."

Indeed, an opportunity for conflict was already looming even as Ban waited for his formal anointment by the General Assembly. His first challenge as Secretary General may be finding a way to continue his previous policy of constructive engagement with the North in the face of US demands for action—and, as Bolton warned recently, the Administration's be-

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COMMENT

lief that the UN is not "the alpha and omega" of Washington's policy options. Can Ban Ki-moon remain quiet-spoken in the face of American unilateral action? IAN WILLIAMS

Ian Williams is The Nation*'s UN correspondent.*

Anna Politkovskaya

The killing of Anna Politkovskaya October 7 has rallied her colleagues and fellow citizens in a way few recent events have. "We must all change the situation after this tragedy and stop the passivity of civil groups and the journalistic community," a Russian journalist friend told me just hours before 3,000 people gathered in the heart of Moscow to mourn her death and demand the government conduct an immediate investigation.

Politkovskaya's murder was shocking, but for anyone who follows Russian political life today not surprising. As Oleg Panfilov, who runs Moscow's Center for Journalism in Extreme Situations, said upon learning of her murder, "I always thought something would happen to Anya, first of all because of Chechnya."

I met Politkovskaya a few times, in Moscow and in New York. Her demeanor—quiet, even shy—belied her role as a journalist enraged by the injustice and corruption she believed were strangling her country. Since 1999 her unflinching investigative reporting on the brutality and corruption of the Chechen war had made her the target of numerous death threats, but she never slowed down. In fact, when she was killed, Politkovskaya, 48, was at work on an article claiming torture of Chechen civilians by security forces loyal to the region's pro-Moscow prime minister. Her reporting appeared in Russia's leading opposition newspaper, *Novaya Gazeta*, one of the few independent outlets left in the increasingly state- or oligarch-controlled media.

Some have blamed President Vladimir Putin for her killing. Among them is the *Washington Post*, which pointed to "the climate of brutality that has flourished under Mr. Putin, a former KGB agent himself." But that is far from a satisfactory or full explanation. Since 1992 forty-two journalists have been killed in post-Soviet Russia—most in unsolved contract executions. Thirty of them occurred under Boris Yeltsin, Putin's predecessor. Indeed, Politkovskaya lies in the same cemetery where Dmitry Kholodov, who was killed during the Yeltsin years while investigating military financial corruption, is buried.

Lost amid so much of the coverage is a sad irony: Politkovskaya was murdered on the twentieth anniversary of the unfolding of Mikhail Gorbachev's *glasnost* policy—which quickly led to an increasingly free press. Perhaps reacting to the human costs of *glasnost*'s rollback, the former Soviet president (who recently became a shareholder in *Novaya Gazeta*), called Politkovskaya's murder "a grave crime against the country, against all of us... [and] a blow to the entire democratic, independent press."

KATRINA VANDEN HEUVEL

Israel's Cassandra

Dedicated to the memory of Pierre Vidal-Naquet

The contribution of Hamas and Hezbollah—irresponsibly said by Tel Aviv and Washington to be inspired and masterminded by Tehran and Damascus, even Al Qaeda—to the latest Israeli-Palestinian crisis is neither excused nor minimized by nevertheless insisting that it is deeply rooted in the history of Zionism. And one may ask, then, whether the barbarous assaults on Gaza and Lebanon have not revealed the bankruptcy of nearly sixty years of Israeli policy.

To the extent there is an axis of anti-Zionist, allegedly anti-Semitic holy warriors, Israel's leaders bear a heavy responsibility. Since the founding of the state in 1948, they have fomented the rise of Palestinian extremism and its international supporters by pursuing a unilateralist course, by impeding good-faith negotiations and by failing to encourage moderate Palestinians. The political-military caste, trusting inordinately in the sword and under the aegis of an imperial superpower, began, precipitated or all but invited five cross-border wars and has waged its internal war against the Palestinian resistance with a brutal indifference to innocent civilians. With Goliath-like hubris and a self-righteousness nourished by the Holocaust complex, Israel's governors and, by and large, its Jewish citizenry are unmindful or dismissive of anyone questioning some of the central premises of the Zionist-Israeli project and policy. Yet these were once challenged by a loyal opposition of public intellectuals within the fold.

Judging by his political writings, Martin Buber, standing on the shoulders of Ahad Ha'am, the guiding spirit of cultural and ethical Zionism, was perhaps the most probing and eloquent voice in this cluster of foresighted critics who included, among others, Yitzhak Epstein, Judah Magnes and Ernst Simon. Prominent in Germany before the war as a scholar of Hasidism, philosopher, Zionist and social activist, Buber had already penned his seminal exploration of the Other, *I and Thou*, before moving to Jerusalem in 1938. Were he still alive, Buber would most likely contend that

CALVIN TRILLIN

AS DENNY HASTERT STUMBLES THROUGH AN ARRAY OF DENIALS THAT HE KNEW ABOUT MARK FOLEY'S BEHAVIOR AND DID NOTHING ABOUT IT

Though voters think that Hastert knew,
The fact that he's been much in view
May be his best protection yet:
He seems the sort who could forget.

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COMMENT

there is no understanding the Israeli-Palestinian imbroglio and its worldwide repercussions without exploring the vexed "Arab Question" in the unfolding and consummation of Zionism. For him the question concerned, in essence, "the relationship between Jewish settlement and Arab life, or, as it may be termed, the intranational [intraterritorial] basis of Jewish settlement."

Buber was not alone in criticizing the movement's elders for their then-benign but stubborn neglect of this problem, and he was convinced it would become the "touchstone" of the Zionist mission. He deplored the early settlers' "basic error": By not "gain[ing] the confidence of the local Arabs in political and economic matters...they gave cause to be regarded as aliens, as outsiders" uninterested in "achieving mutual trust." Buber also took to task Zionism's political leadership for "paying tribute to traditional colonial policy" and being "guided by international considerations" without attention to intranational affairs. The Yishuv (the Jewish settlement in Palestine before the establishment of Israel) became only more "isolated from the organic context of the Middle East, into whose awakening it [needed to] be integrated."

As early as February 1918 Buber demurred when Zionist maximalists advocated "creating a majority [of Jews] in...[Palestine] by all means and as quickly as possible." He warned that unless "we succeed in establishing an authoritative [Zionist] opposition, the soul of the movement will be corrupted, maybe forever."

This was the germ of the idea that informed the foundation of Brit Shalom (Alliance for Peace) in 1925, renewed by Ihud (Union) in 1942. The members and fellow travelers of these two societies of dissidents formed an influential but politically powerless opposition focused on the Arab Question and emerged as the racked conscience first of Zionism and then of Israel. By virtue of being severely marginalized, these faithful critics were unable to inspire and encourage their Palestinian and Arab counterparts, who were as weak and beleaguered as they themselves.

At the creation of the Jewish state, Buber reflected on the ideas and role of those public intellectuals who, "equally free from the megalomania of the leaders and the giddiness of the masses, discerned the approaching catastrophe." He claimed that this "spiritual elite...not merely uttered warnings but tried to point to a path to be followed, if catastrophe were to be averted." Their program for "a binational state" had as its aim "a social structure based on the reality of two peoples living together." Supported by the left-Zionist Hashomer Hatzair youth movement, among others, they advanced their scheme as an alternative to the more or less ethnically pure *Judenstaat* envisaged by Theodor Herzl.

"Any [Jewish] national state in the vast and hostile [Mideast] surroundings would be the equivalent of suicide," the critics cautioned, since "an unstable international basis could never make up for the missing intranational one." Only an "agreement between the two nations [in Palestine] could lead to Jewish-Arab cooperation in the revival of the Middle East, with the Jewish partner concentrated in a strong settlement in Palestine."

In October 1948, in the midst of the first Arab-Israeli war, Buber challenged the belief that since Israel had been attacked it was "engaged in a war of defense." Instead he asked, "Who attacked us?" The aggressors, he answered, were "those who felt they had been attacked by us, namely by our peaceful conquest" under an imperial umbrella, and who "accused us of being robbers." The Zionists' defense that Palestine had been theirs "two thousand years ago" he found less than rigorous: "Do we genuinely expect this reason to be accepted [by the Arabs] without argument; and would we accept it were we in their place?" He also recoiled at efforts to swathe the Zionist construction in religion, whose instrumentalization he reproved, as did Sigmund Freud.

Short of a major change of policy on the Arab Question, Buber was convinced that any future peace would be "a stunted peace, no more than [a state of] non-belligerency liable to turn into war at any moment." Israel would be "compelled to maintain a posture of vigilance forever," at the enormous cost of "occupying the most talented members of our society." In January 1949, when Israel was winning the war, he cited Nehemiah—"Everyone with one of his hands engaged in the work, and with the other held his weapon"—and lamented that while so employed, "you can build a wall, but not an attractive house, let alone a temple." A wall has been duly built.

In their time the radical critics were Cassandras, prophets contemptuously written off by the political mainstream as "defeatists" and "quislings." But along with Albert Einstein and Hannah Arendt, who were among their many soulmates and supporters in the diaspora, they remained true to their ideal.

What does it say about our own historical moment that while the Middle East is afire, so few Jewish intellectuals have the courage and integrity to defy the "megalomania of the leaders and the giddiness of the masses"? Today's crisis demands not only prosaic criticism but self-criticism and an alternative vision. Herzl's dream of building a "state like any other" for the Jews has been fulfilled, but only up to a point. Buber aside, Herzl never imagined that Israel would hold another state or would-be state hostage because three of its soldiers were captured along borders it routinely violates itself; would inflict ten wounds for every one received; would willfully transgress the laws of war and human rights; would systematically disregard United Nations resolutions; would forge one of the world's mightiest armies, inclusive of a formidable nuclear arsenal; would encroach on occupied land with a fortified ghetto wall; would eagerly serve as an imperial superpower's front-line ally in the so-called civilized world's global war against Islamist extremism that this tiny state itself helps to foster—all the while posing as blameless and pure of crime.

Surely no closer to god than most other states and the Palestinians, Israel will eventually have to take upon itself a major share of the responsibility for the ever more explosive Middle East if it is to become truly a state like any other, with internationally recognized borders and assured of a peace that is more than a fragile and recurrently interrupted absence of war. ARNO MAYER

Arno Mayer is the author of many works, including The Furies: Violence and Terror in the French and Russian Revolutions.

ON THE WEB: Gone Nuclear: Richard Falk, Mary Kaldor, Randall Caroline Forsberg and George Perkovich on how to put disarmament back on the global agenda.

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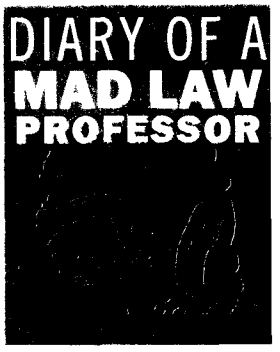
PATRICIA J. WILLIAMS

Warlords of the First Amendment



Mike Gallagher is the sixth most popular radio host in America. Frankly, I had never heard of Mike Gallagher until about a month ago, when I was driving up to Maine and hit a stretch of I-95 that was beyond the reach of NPR. Gallagher was bloviating into the empty airspace with a long lament against Lowe's home-improvement stores. Whilst wandering the aisles of said emporium, he found his sensibilities assaulted by a product promotion that was broadcast on the public address system in both English and Spanish. He was outraged. "What's next, *Chinese*?" he demanded. The insult seemed to reside in the mere sound of a language of which he did not approve. "This is America!"

The English Only movement notwithstanding, this was the first time I'd heard someone demanding that a private business actually narrow its voluntary accommodation of a demographically diverse purchasing public. He wanted his audience to call Lowe's en masse to complain, protest or boycott the chain until all vestiges of the Spanish language were ousted, renounced and securely walled off. To Mike Gallagher, it was a matter of "American sovereignty."

Gallagher lives in the gloriously multilingual, fractious cosmopolis of New York City, as it turns out—a city where the public school population encompasses native speakers of 140 different languages; where every bike messenger speaks at least six; and where the upper classes pay $300 an hour for tutors who can cram enough Swedish, Arabic and Latin into their kids' noggins to give them a fighting chance at a slot in kindergarten. So pardon my French, but whence the resentment of even the sound of "foreign" languages—never mind one so ubiquitous and accessible as Spanish—that you would want to boycott every last random utterance as blasphemy within our borders?

Rocket forward one month to the time of this writing. Mike Gallagher has suddenly burst into the national blogosphere as a heroic defender of free speech because he gave the Westboro Baptist Church an hour of unrestricted airtime in exchange for the church's promise not to picket the funerals of the six murdered Amish schoolgirls. Westboro Church, unfortunately, is probably more notorious than Gallagher himself—its members are the inbred clan of madmen and -women who believe that everything from Hurricane Katrina to the deaths of soldiers in Iraq is God's retribution against America for its moral failings. They are surely prejudiced in the broadest sense—Catholics are "the most hateful people on earth," Billy Graham is "hell bound," Mohammed was a "whoremonger," the Book of Mormon is "hokey" and "Jews are the real Nazis." But what drives them totally cuckoo is homosexuality: "Fag-Jew Nazis are worse than ordinary Nazis." "Vampire" priests and "dyke nuns" have replaced the bread and wine with "sodomite feces and semen." "Indeed, God Hates Fags" is the name of their website.

Now as a post–World War II, post–civil rights era baby boomer progressive optimist, I am used to thinking of the greatest free speech heroes as those who face loss of their livelihood, like John Peter Zenger, or who face risk of imprisonment or execution, like Russian journalist Anna Politkovskaya, murdered while investigating a story about Russian soldiers selling Chechen corpses to the families of the deceased, who were desperate to accord them proper Muslim funerals. But in today's America, freedom of expression is too commonly tested by rowdy frat boys spewing racist epithets, drunken actors mouthing off and randy politicians pressing the Send button on an e-mail before their brains catch up with their bodies. Not that these test cases are always without merit—I lean toward broad protections of speech—but neither am I an absolutist. We Americans seem so willing to ditch habeas corpus, yet we fight tooth and nail for the rights of raving lunatics whose tongues are hitched to the flywheels of hate. There's an odd disconnect between the power of the President to "disappear" any of us on his say-so alone and my inalienable right to a reality show if I scream entertainingly enough at your funeral.

What is bothersome, too, about the deal between Mike Gallagher and the Westboro Church is that it was a commercial contract. "In consideration of" Westboro's not picketing the Amish "whores," Gallagher would "sacrifice" an hour of his show. If Westboro breached, they agreed to pay $500,000. It has a whiff of the extortionate about it, like children who declare that they will stop screaming only if the woebedraggled parents let them have that candy bar *NOW!* Or I'll blow! This framing suggests that what's at stake is the protection less of expression-no-matter-how-offensive than of plain old-fashioned Bullying (just as there's an ingredient of lower-case bullying in Gallagher's English-Only-Or-Else attitude toward Lowe's). Moreover, it is bullying shot through with an element of entertainment. Whew, did that show get everyone's juices jumping. It was better than a fistfight on Jerry Springer. It was even better than any of the multiple times the Westboro Church has appeared on Howard Stern's show—Stern just adores their shock value. In other words, what gave this particular appearance a *frisson* of delicious despicability was that Gallagher aspired to Higher Political Purpose. But if there was a political point, it was surely much too easy. Jerry Falwell thinks the Westboro Church's leader is a "certified nut." I agree with Jerry Falwell. See? Too easy. Westboro Church has an oddly unifying power, a little like September 11. It's so awful we can all shake our heads in dismay. As a baseline for political dissent, therefore, Westboro allows us to forget the degree to which the First Amendment anticipates a kind of political dissent that is more deeply challenging, a test not only of individual conscience but also of the majority's commitment to the democratic ideal of suffering disagreement.

A greater and more interesting question for Mike Gallagher might be whether he would have invited the members of the Westboro Church onto his program, at any price, if they had been speaking Spanish. ■

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ERIC ALTERMAN

No 'Comments'

There is a specter haunting American journalism; well, dozens actually, but today's specter is the purposeful abuse of the anonymous website comments board. In the past, when a journalist, or even a partisan, wished to attribute a quote to an individual or an organization, it was necessary to obtain some form of evidence that the person being quoted actually existed. No longer. Thanks to the proliferation of e-mails, instant messages and Internet message boards, our most august journalistic institutions are now quoting people who may well be imaginary. Worse, they may have assumed a phony identity for nefarious personal or political purposes.

The problem has arisen in a variety of contexts of late. When discussing reactions to the news that Bob Dylan appears to have borrowed lyrics from nineteenth-century Confederate Henry Timrod, the *New York Times* quoted an anonymous denizen of a Dylan web fan forum complaining in a juvenile and malicious fashion as a counterpoint to the more learned quotations from genuine Dylan scholars. Who was the guy? Who knows? He didn't even have a name. The Bobster's reputation may have suffered microscopic degrees of damage, but the primary casualty was the *Times*'s reputation for veracity. Similarly, when the *Washington Post*, in one of its periodic sex panics, printed the salacious instant messages of Representative Foley and two former Congressional pages, the article noted that "attempts by The Post to contact the two former pages were unsuccessful." Nor did the paper reach Foley. Given that almost anyone can fake an IM exchange, to go to press with such damning words whose authenticity is unverified is recklessness itself. (Remember the good old days of the "Watergate rule," which required two corroborating sources for the publication of information based on anonymous sources? That went out the window with Monica Lewinsky's blue dress.)

To see how easily this lazy practice can be exploited, we need look no further than a recent article in the *New York Post*. The story, according to its author, Maggie Haberman, was fed to her by aides to Joe Lieberman's senatorial campaign and accused the liberal organization MoveOn.org of promoting anti-Semitism on its message boards. Posters on MoveOn's ActionForum had written of "media-owning Jewish pigs" and "Zionazis" and called the Senator "Jew Lieberman." The story contained quotations from the Anti-Defamation League's Abe Foxman taking MoveOn to task for the message board's "hateful content." In what could have been mere coincidence, I suppose, the story, which was also covered by the Moonie-owned *Washington Times*, was quickly seized upon by Lieberman supporters like Marshall Wittman of the Democratic Leadership Council and William Kristol of the *Washington Post*, the *Weekly Standard*, Fox News, etc. Writing on his Bull Moose blog, Wittman asked, "Shouldn't lefties ask themselves why the anti-Semitic haters are attracted to their sites?" and wondered "why Democratic leaders continue to collude with the anti-Semitic appeasing left." In a widely reprinted *Wall Street Journal* column provocatively titled "Anti-Judaism," Kristol took up this same theme and concluded, "Jews are under attack. And no one seems very concerned. Liberal Jews are more concerned about Mel Gibson than [Iranian President Mahmoud] Ahmadinejad."

In fact, none of the people reporting, discussing or pronouncing on the MoveOn comments had any idea who made them or why. It would have been easy, for instance, for a Lieberman supporter to post the comments and then complain to the campaign's friends in the Murdoch and Moonie empires, feigning the kind of shock, *shock* Captain Renault made famous in *Casablanca*. And shouldn't it be obvious that anonymous posters on a public bulletin board do not represent anyone or anything but their own silly little minds? When critic Lee Siegel donned his sock puppet to praise himself and attack the character of those who questioned his brilliance on *The New Republic*'s comments board, no one blamed the magazine for Siegel's miasmic *mishigas*, since its editors acted quickly and suspended him. And Siegel was actually employed by *TNR*; the morons who posted on MoveOn may not even exist.

When I took the apparently unthinkable journalistic step of contacting the organization itself to discover what it knew about the incident, I learned that the postings were deleted immediately after MoveOn was informed of them. Many of the organization's key staff members, including its executive director, Eli Pariser, and communications director, Jennifer Lindenauer, are proud Jews and take no less offense at such things than, say, neocon pundits. Even the censorious Foxman, who ran to the media to complain without first talking to anyone at MoveOn about the postings, admitted that the organization had acted appropriately and that the incident was now "resolved satisfactorily."

The attempt to blame MoveOn for these illiterate scrawls is about as credible as blaming a presidential candidate for graffiti near a campaign stop. That Kristol would employ so slender a reed to slander a liberal organization is hardly surprising; this is, after all, a man who admiringly quotes his father Irving's kind words for Joe McCarthy. But Wittman's stance is more puzzling. Leaving aside that his own recent employment by a genuine lunatic anti-Semite, Pat Robertson, leaves him on rather thin ice, Wittman cannot have forgotten how his friend and former employer John McCain was undone by the same kind of unsourced slander by the Bush forces in South Carolina in 2000. What's more, Wittman is now employed by the DLC, which may not like MoveOn.org but should at least be respectful of its 3.2 million likely Democratic voters. Nevertheless, when I e-mailed Wittman to ask if he had reconsidered his blog post, he politely replied that he had not. Too bad.

Ultimately, however, it's the journalistic questions that loom largest: How can mainstream media organizations maintain that they hold themselves to higher standards than the Drudge-driven political blogosphere when they ape its most irresponsible practices? Time for another blogger ethics panel, perhaps? ■

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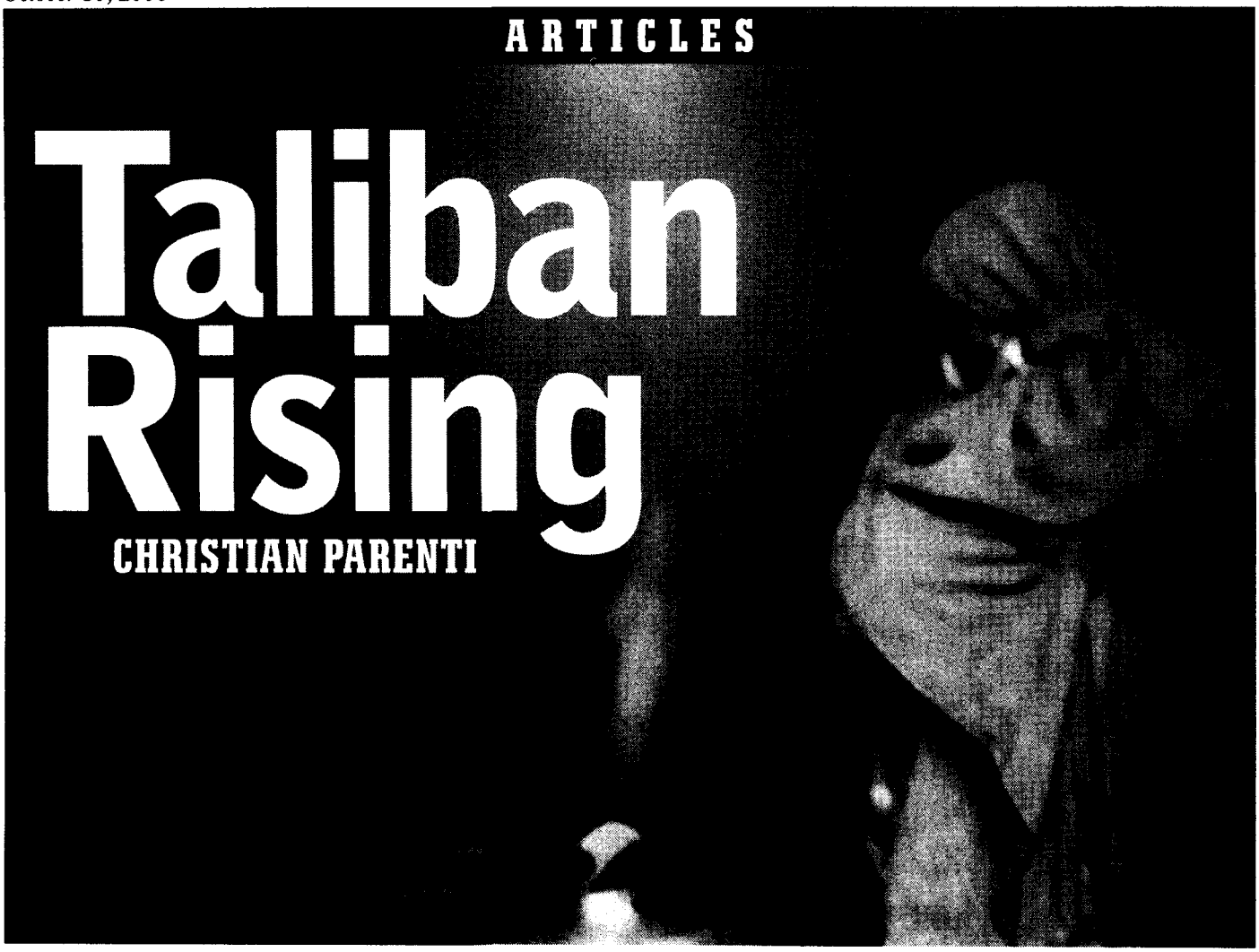
ARTICLES

Taliban Rising

CHRISTIAN PARENTI



Afghanistan

Twenty minutes south of Kabul, along one of Afghanistan's few newly paved roads, lies Logar Province. In another country Logar's desert villages and accessible mountains might be a place city dwellers would use for quick rustication. But in Logar the Taliban are back, coming out at night to burn schools, assassinate liberal imams, launch rocket attacks on government buildings and plant mines to kill NATO soldiers.

The drive from Kabul to Logar is a mind-bending lesson in political geography, showing how badly deteriorated the occupation of Afghanistan has become. It seems the infamously insurgency-torn "south" of this country now extends very far north.

"The Italians call that the Valley of Death," says my local guide matter-of-factly as we pass a lush little cluster of villages wedged between two desiccated slopes. We are still in Kabul Province, the Musayi district: "Six of them were killed there a few months ago, and they never went back in." Then, after a pause: "The green is all pistachio trees."

According to NATO only two Italians were killed, with four wounded. Nor does NATO admit that any area of Afghanistan has been ceded to the insurgents—let alone a valley right outside the capital. Whatever the case, most Afghans are beginning to think that the Taliban are winning. This raises several questions: Who are these insurgents? Why are they fighting? What dynamics fuel their growth? And ultimately, how, when and to whom will the United States and its allies finally leave Afghanistan?

When we arrive at Shaffad Sang, a cluster of villages just off the main road, the tension grows palpably thicker. Our contact, a man named Zibullah Pimon, who works for a foreign construction company, is visibly nervous. Because of the Taliban activity here, Pimon spends all his time in Kabul, returning to his village only once a week to visit his family for a few hours before racing back. We slip into the privacy of his *qala*, or mud-walled compound, and then into his neatly whitewashed and carpeted guest room, away from the women in the family quarters.

"There were no police here and no Afghan army," explains Pimon. "So the Taliban saw their chance and came in." He says Taliban actions in Logar started about a year ago, when organizers infiltrated from Pakistan, using money and arguments to reactivate networks of former fighters and win over local imams. Opponents were killed or run off with warnings.

Though "Taliban" or "AGEs"—antigovernment elements—are the catchall phrases used to describe Afghan insurgents, in provinces near Kabul like Logar, Wardak and Nangarhar, most of the guerrillas are actually members of Hezb-e-Islami, an old mujahedeen party led by Gulbuddin Hekmatyar. A pathologically ruthless commander, Hekmatyar got his start throwing acid at unveiled women when he was an engineering student in Kabul. In 1975 he formed Hezb-e-Islami with Pakistani support. First he fought the nationalist President Daoud Khan; then, after the Communist coup in 1978, he received more than $600 million in American military aid to fight the Russians.

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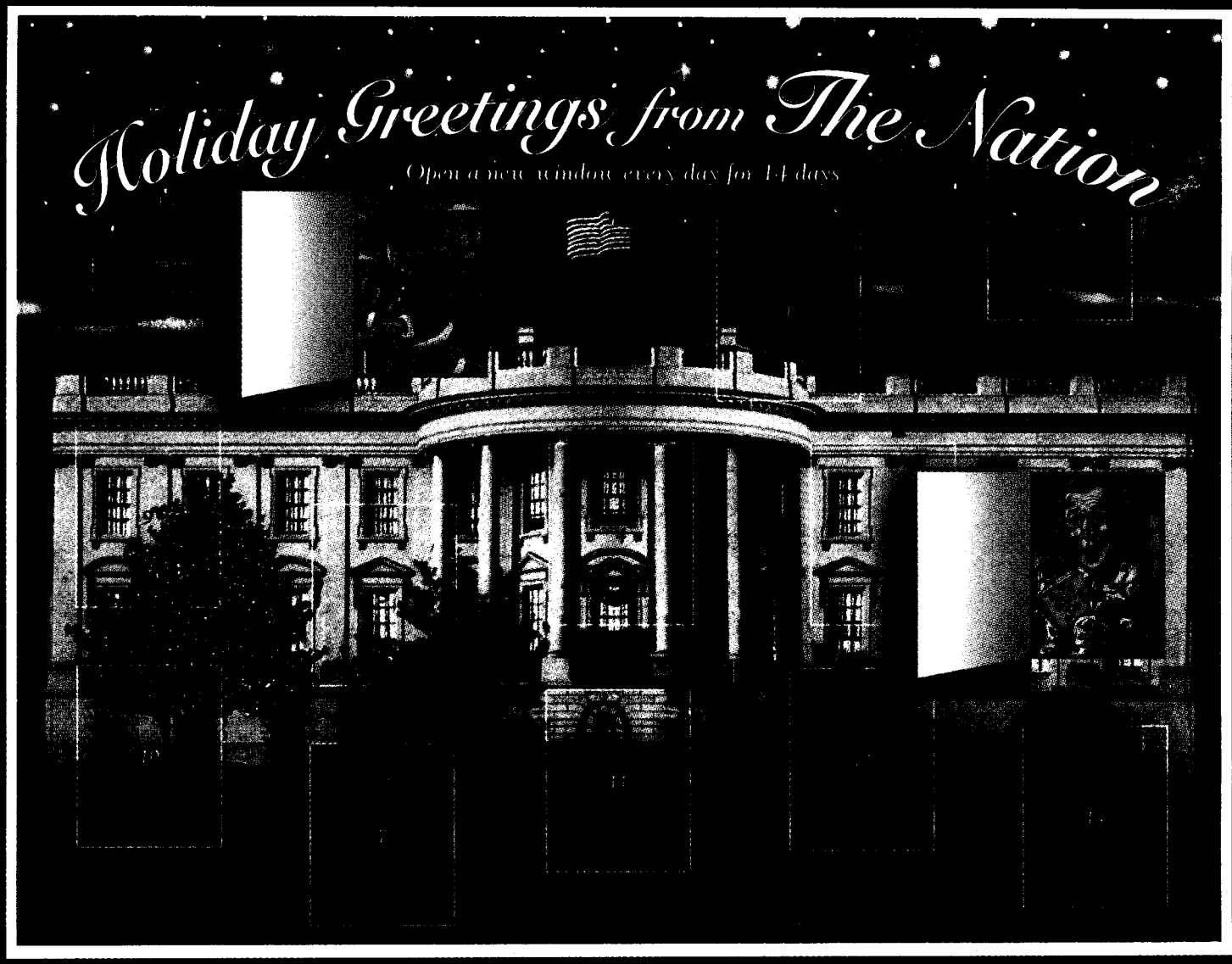

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Now his forces have reorganized, pledged support to Al Qaeda, made peace with their old foes, the Taliban, and are "blowing back" upon their former patrons, the Americans. Like the Taliban, Hezb-e-Islami is made up primarily of Pashtuns, Afghanistan's dominant ethnic group at more than 45 percent of the population.

"They say this is not a national government, that its positions are controlled by only a few," says Pimon, explaining why some of his neighbors support the insurgents. "And there are no jobs, no development.

"The Taliban have told every family to provide one man, and they say they will pay these fighters," explains Pimon, adding that corruption and opium eradication are also angering people.

In recent months insurgent violence has even started in Kabul. Over five weeks this fall the city suffered four suicide bombings, three of which killed or wounded international troops. One attack hit just outside the American Embassy: Three US Humvees were bombed, killing two GIs and sixteen others; twenty-nine people were wounded. The US military now says there are Kabul-based suicide cells.

'If the Taliban come back, I will pray for them!... At least they are not thieves!'
—Ajmal, journalist and fixer

September saw numerous IEDs uncovered in the capital and some rocket attacks—including one against the airport an hour after I arrived—while security forces arrested several urban-based Taliban, including a group of university students who were storing rocket-propelled grenades (RPGs) and propaganda.

In the south, kidnapping has begun: One German and three Macedonian NGO workers were abducted and murdered in Helmand Province this past spring. Their corpses were booby-trapped, and nine Afghan National Police officers died in the recovery effort. In September a Colombian aid worker and two Afghan nationals were kidnapped in Wardak, west of Kabul, then released three weeks later.

This new pattern of political violence is seen as the "Iraqization" of the Afghan insurgency, which some fear could also lead to an Iraq-style meltdown or ethnically based fragmentation. Even the top NATO general here recently warned that most Afghans will soon support the Taliban if development and security do not significantly improve over the next six months.

So far most Kabulis continue about their business, assured that their chances of being killed in this war are still low. On a day-to-day basis, their worries are more about poverty and the predation of public officials.

The government of Afghanistan under President Hamid Karzai has become a classic rentier state: an institution designed to capture revenue rather than deliver services and facilitate economic growth. Instead of oil, it feeds on the free flow of international aid, which accounts for 92 percent of the nation's income. The government's thirty-two ministries are massively overstaffed, with employees usually earning a mere $30–$100 a month. They sit in squalid offices drinking tea, reading newspapers and watching Bollywood films on TV.

Not surprisingly, they use their positions to demand bribes and peculate public funds. The modus operandi of the ministries is to deny access, deny permission, deny responsibility and sabotage those who might be effective at their job—in case they start capturing more of the aid flow.

This mess is largely the result of a US-led process that—in the lead-up to the Iraq War—sloppily fast-tracked Afghanistan's reconstruction. Warlords were allowed to control the government and the United States signed off on ridiculous shakedown schemes like paying wages to militia commanders who wildly exaggerated their troop numbers. The result is a nonfunctional state that will probably never be able to "stand up" and allow the international community to successfully "stand down."

Five years after the overthrow of the Taliban, Kabul has only three hours of electricity per day and unsanitary and inadequate drinking water. The healthcare system is nonexistent or run by foreign NGOs, and primary schools lack teachers. The government undertakes almost no public works; there is no food-safety system or program of agricultural extensions; state-owned industries—such as coal mines, gas works, cement factories, the national airline with its half-dozen planes, a chain of old hotels and several massive granaries—receive little or no investment.

To pay taxes in Kabul one must first bribe the tax collector! No bribe and your taxes (which will be stolen) won't be registered as paid. Without proof of payment a homeowner or shopkeeper could be reported to the police, arrested and repeatedly extorted at every step of the legal process.

Even government offices bribe one another. "To get license plates for our cars we had to bribe the Transportation Ministry," says Naqib, who runs nebulously defined "capacity-building workshops" at the Ministry of Women's Affairs. "We had to pay about $2,000."

Women working in government offices—beyond the control of their husbands but still crushed by poverty—often double and triple their paltry $30 a month salaries through casual prostitution. "Cellphones make it very easy," says an Afghan driver. "The woman I am seeing has just two or three friends. I pay her a month's salary for an hour in the back room of my friend's store."

"Closing the Chinese brothels was a joke," says a friend of mine who contracts for a major Western intelligence service and has access to the highest levels of government in Kabul. "The palace is the biggest brothel of all—half the female screeners in the presidential guard engage in prostitution."

The corrosive impact of life under a kleptocracy became all too clear when a close friend was extorted by three judges. Ajmal, a successful journalist and well-connected fixer, was ordered to pay the judges $4,000 or go to jail. The issue was an alleged theft at a guesthouse that his brother had managed a year earlier, before moving to Europe.

To top it off, one of the judges involved—a languid man

Christian Parenti, a frequent contributor to The Nation *and author of* The Freedom: Shadows and Hallucinations in Occupied Iraq *(New Press), is working on a book about Afghanistan.* *Research support for this article was provided by the Investigative Fund of The Nation Institute.*

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with a poorly dyed beard and penchant for flashy suits—was toying with Ajmal under the guise of negotiating the bribe. The judge would insist that Ajmal come have tea at the office or join the judge's entourage to attend a wedding. Money wasn't enough—Ajmal had to grovel; he had to put on obsequious public displays of appreciation for the judge and his power.

I went along on one trip. The judge's office was devoid of books, files, papers, a computer or anything else that hinted of work. Instead it was lined with chairs in which sat a rotating series of social visitors. "My family is very well known. We are related to King Zahir Shah," says the judge with a leering smirk and a pause. Ajmal chimes in with praise for the elaborate lineage charts on display at the judge's home. "You will have to come visit. You will be my guests," says the judge.

The next time I see Ajmal he explodes into a pro-Taliban diatribe. "Fucking judges! Having long beards, big turbans, acting always very religious." His voice shakes with rage. "They are not even this much Muslim!" Ajmal grabs the tip of his little finger. "If the Taliban come back, I will pray for them! I don't care if I have to grow a beard, go to mosque all the time. I don't care. At least they are not thieves!"

Eradicate all poppy, and Afghanistan could plunge back into all-out civil war, with the country disintegrating into two or three parts.

This from a man who has made lots of money in the new Afghanistan, enjoys the occasional drink, rarely prays and was even jailed under the Taliban because he had a Leonardo DiCaprio–style haircut. The club-wielding Talib called it "*Titanic* hair" and shaved it all off.

In the countryside the Taliban capitalize on the resentments and humiliations of life under kleptocracy and occupation by not being corrupt and by simply killing officials who are. According to most credible reports—including one from a Western intelligence source—the Taliban are known to "always pay for food and gasoline—always." Government forces are more likely not to pay, in part because their troops and front-line officers are broke. If the corruption of Karzai's government is Afghanistan's new cancer, then the Taliban are increasingly seen as chemotherapy: a very unpleasant but perhaps necessary remedy.

Western officials assert that the Taliban fund themselves by taxing the drug trade. But with opium production accounting for at least half of Afghanistan's GDP, it could be said that even merchants selling plastic buckets to farmers at the local bazaar are "funded by the drug trade."

According to the United Nations, Afghanistan now supplies 92 percent of the world's heroin. Production dipped last year by 21 percent but has now bounced back, to an all-time high. Poppy cultivation directly employs an estimated 2.9 million Afghans, and the country earns about $3 billion annually from it—most of which is parked in foreign bank accounts and laundered through regional real estate schemes.

Karzai has said, "Either Afghanistan destroys opium or opium will destroy Afghanistan." And the UN has described poppy as creating "a state of emergency." But a visit to drug-growing regions indicates that the exact opposite is just as possible: Opium revenue acts as a stabilizing force by keeping poor farmers alive. Eradicate all poppy, and Afghanistan's 30 million people could plunge back into all-out civil war, with the country disintegrating into two or three parts: the Pashtun south becoming a de facto extension of heavily Pashtun northern Pakistan, and the more ethnically diverse north, around Mazar-e-Sharif, and west, around Herat, being pulled into the orbits of the more developed economies of Central Asia and Iran.

One region where poppy eradication has reportedly been effective is in Nangarhar. Lying east of Kabul, Nangarhar is a long, mountainous province that juts out into the tribal belt of Pakistan; its population is heavily Pashtun. "We are facing a lot of problems," says Ghulam Hazrat, a teacher and farmer in the Derazi village of the Kama district, north of the provincial capital of Jalalabad.

Last year the government promised each farmer here $350 for every half-acre not planted with poppy. But the people in Kama say the money was stolen. "Only some farmers got $150," says Hazrat. "We have no paper or books in the school. The road is bad and there is no clinic. The teachers have not been paid in three months. Maybe we will plant this year. If we don't plant we will suffer, and when people suffer, people fight."

In more remote parts of Nangarhar, eradication is even less effective. The Sherzad district lies several hours southwest of Jalalabad, at the end of a rutted dirt track. The landscape is desert canyons and barren hills punctuated by villages clustered along beleaguered little rivers flowing down from the mountains on the Pakistani border.

In the village of Toto, not far from the border, I meet Wazir, an old-school poppy farmer, who lives in a *qala* with his two wives. In a manner typical of rural Afghanistan, the neighboring families in this district engage in constant blood feuding, and according to Wazir crime is common throughout south Nangarhar.

Nangarhar's security reports revealed that crime was not the only issue: Twenty-three mostly war-related incidents were listed during the week I made my visit. According to the Afghanistan NGO Safety Office, there was a kidnapping threat, ongoing counterinsurgency operations and "reported infiltration of a new group of AGE/Insurgents" made up of "Arabs, Chechens and Pakistanis." Two vehicles used by "armed Taliban" were spotted in Sherzad, and there were some rocket attacks. The reports paint a picture of a region beyond government control.

"The eradication campaign came, but they just took bribes," says Wazir as we sit in his *dera*, a shaded outside visiting area, on rope and wooden cots called *charpayi*. "When we heard that they were coming we went to the district governor and negotiated a price." Wazir says that the local "commander," named Hasil, was chosen as the farmers' envoy.

"If the governor had not accepted the bribe, we were ready to fight. If a farmer loses his poppy he can't even have tea and sugar. He will borrow money from a rich person and lose his land." Wazir says emergency loans carry 100 percent interest rates.

The official rhetoric of poppy eradication is ridiculously ambitious when compared with facts on the ground. Among the "five pillars" of the strategy are "judicial reform" and "alterna-

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tive livelihoods." None of that exists here. The only NGO in this district digs wells, but Wazir says that the corrupt drilling team charges a fee for what should be aid.

As the sun starts to slide down in the sky, we head back out. Halfway to Jalalabad, five armed men emerge from behind rocks. One aims an RPG at our truck while another steps into the road and levels his AK-47 at the windshield. It's an ambush. The lead gunman approaches and asks, "Is that police truck still down in the village?"

By freak luck we had noticed a Frontier Police pickup truck getting gas in the village just behind us. Thinking fast, one of my Afghan colleagues answers: "Yes. And they will be following us in a few minutes." The gunman pauses, for one very long second, and then allows us to pass. We assume these men were local thieves, or possibly Taliban, who lay in wait for us or the cops but choked at the last minute.

Northern Afghanistan has been relatively peaceful, but there are increasing signs of trouble—clashes between rival militias, occasional attacks on troops of the International Security Assistance Force (ISAF, the UN-sanctioned peacekeeping force), rising banditry.

If the war in the south pits messianic guerrillas against what they see as a sinful puppet government run by foreign infidels, then violence in the north takes on a distinctly ethnic quality, with Uzbeks, Tajiks and others squaring off against the Pashtuns, who once supported the Taliban and oppressed non-Pashtuns. What happens next in the north is a crucial piece of the Afghan puzzle.

We drive to Balkh Province; NATO has recently reported an ambush and firefight in a Pashtun village here. To get safe passage into Pashtun villages, we must find the local Pashtun commander, a former Taliban and mujahedeen landlord named Haji Aktar. Our local Tajik contact is terrified by the idea of approaching Aktar. "The people around here are lawless and wild," he says from the passenger seat. We have traveled a mere five or ten miles from his home, Balkh town, but the man acts like we're in another country.

Eventually we make contact with Haji Aktar and his broodingly handsome son, who is now taking over the family business of, essentially, being the man in charge of the local poppy-farming Pashtuns. We sit on the carpeted veranda of Haji Aktar's adobe *qala* and look out over the pot fields on the plain that stretches south out of Turkmenistan and Uzbekistan to the base of the blue-gray Hindu Kush mountains. After a lunch of stewed sheep kidneys, okra and greasy rice, Haji Aktar explains why the Pashtun of the north are growing angry. "The government of the north excluded Pashtuns," he says. He is talking about his rival, the Tajik governor, Atta Mohammed. "Every day or two they are searching and raiding the three Pashtun districts. They even arrested me. They came with forty vehicles and three helicopters and took me to [the prison at] Bagram."

Haji Aktar explains how he was handcuffed and blindfolded, while American troops searched his private quarters—"with women and children inside." Being a gracious host, Haji Aktar does not blame the foreigners—my people. Instead he blames Atta Mohammed for setting him up. Haji Aktar claims he is at peace with the government. But one wonders at what point this

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honor-obsessed feudal landlord will feel compelled to avenge his humiliation.

"I can't think of a bigger insult for a guy like that," booms G. Whitney Azoy, a former US diplomat turned scholar-adventurer, who knows Haji Aktar. In the 1980s Azoy was involved with support for the mujahedeen's US-backed campaign against the Soviets; more recently he worked as a consultant for the military contractor DynCorp and now runs a State Department–funded research center. He is one of the leading authorities on northern Afghanistan. "Nothing—I mean nothing—could be worse for a Pashtun landlord like that. But a guy like Aktar is also very shrewd and patient. He'll wait and watch. But that sort of thing won't be forgotten."

On one of my last nights in Kabul I retire to the spacious home of my acquaintance the intelligence contractor. Particularly fascinating is his insight into the mindset of Western diplomats and military officers.

"Mention defeat and they say, 'It is unthinkable!' Well, it is coming, so you better well start thinking about it," says the contractor. He guesses the West's project in Afghanistan has between three and five years, and he thinks negotiation with the Taliban is its "only hope" for a graceful exit.

Surprisingly, that view has gained traction in several countries with ISAF troops. British Deputy Foreign Minister Kim Howells suggested that talks might be useful, and some in the Canadian New Democratic Party have agreed. Then, in early October, US Senate majority leader Bill Frist said the war in Afghanistan could "never" be won militarily and suggested that some Taliban be allowed into the government. One rumor in Kabul was that the Taliban's military commander, Mullah Dadullah, might be offered the Defense Ministry.

But a few posts for some top leaders won't end the war. There are already many ex-Talib in the Parliament and ministries, and they push the Afghan government in fundamentalist directions. As for Gulbuddin Hekmatyar, few believe he would settle for anything less than ruling Afghanistan himself. And what about the Al Qaeda network operating on the border northeast of Kabul, in Nuristan and Kunar? It's hard to imagine the Bush Administration placating these champions of international jihad with the offer of an Afghan ministry.

Negotiations may help the West save face as it disengages, but it is unlikely they will do more than that. Ultimately, the US-built state in Afghanistan seems unreformable, and its future looks calamitous. Yet the nation builders in Kabul remain in denial, each concerned with immediate performance and the next promotion rather than the big picture. My host the contractor illustrates this mentality with a historical anecdote.

"Did you know, the US government continued family postings to Vietnam as late as four months before it fell?" he asks. "You might have thought that someone would have smelled the rot earlier and asked, 'Do we really need to bring the 2-year-old to Saigon?' But no—that would have been pessimistic, bad for the career." ■

Who's Running Afghan Policy?

CHRISTIAN PARENTI

DAVID CORN

Several months ago a leading American expert on Afghanistan was meeting with Meghan O'Sullivan, a deputy national security adviser in the Bush White House. The topic at hand was the attitude of Pervez Musharraf, the Pakistani leader, toward the revived Taliban insurgents operating out of Pakistani territory. Musharraf's government seemed (as it does now) to be willfully ignoring the Taliban, or perhaps even providing them with safe harbor and assistance. Why would Musharraf do either?

The expert explained that many factors shape the difficult Pakistani-Afghan relationship. He pointed to the decades-long conflict between Afghanistan and Pakistan and mentioned the Durand Line, the supposed border between Afghanistan and Pakistan. The 1,600-mile-long line, imposed on Afghanistan by the British in 1893, divides Pashtun and Baluch regions and separates Afghanistan from territory it has claimed as its own. Afghanistan has never officially recognized the Durand Line, which has been a great source of strife between the two countries.

By referring to the Durand Line, the expert was noting

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About Your Professor

Dr. Peter C. Mancall is a Professor of History and Anthropology at the University of Southern California and Director of the USC–Huntington Early Modern Studies Institute. He has received two teaching excellence awards at the University of Kansas and in 2004 was named a Gamma Sigma Alpha Professor of the Year by the University of Southern California.

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that US efforts in the region are complicated by pre-9/11 history. O'Sullivan, according to this expert (who wishes not to be named), didn't know what the Durand Line was. The expert was stunned. O'Sullivan is the most senior Bush Administration official handling Afghanistan policy. If she wasn't familiar with this basic point, US policy-making on Afghanistan was in trouble.

After Iraq, Afghanistan is the most profound foreign policy mess the Bush Administration faces. Five years after US forces chased the Taliban out of Kabul, the Taliban are resurgent, adopting tactics used by Iraqi rebels. The central government of President Hamid Karzai remains weak and cannot provide security or basic services to its people. Reconstruction has slowed dramatically. Poppy cultivation has exploded. Tensions between Afghanistan and Pakistan are affecting the military campaigns against the Taliban and Al Qaeda. And the consensus among Afghanistan experts is that many Afghans, seeing little direct benefit from the lagging reconstruction efforts, have lost faith in the US-backed government. According to recent Congressional testimony by Barnett Rubin, a New York University professor who has advised the United Nations on Afghanistan, a former Afghan minister recently said, "The conditions in Afghanistan are ripe for fundamentalism."

'The situation is worsening.... This Administration has not been keen on accountability.' —*Richard Armitage*

Yet George Bush has no senior-level official responsible for policies and actions in Afghanistan. "The situation is worsening," notes former Deputy Secretary of State Richard Armitage. "We have to have someone in government responsible for the whole picture—military, economic assistance and political. There's a nexus between each. But there's not one person in the government designated to be in charge of that nexus. It could be the ambassador. It could be someone else—if they have resources and clout and accountability. But this Administration has not been keen on accountability."

O'Sullivan is not the issue. She is a protégé of Richard Haass, who left the State Department as policy director in July 2003 and became president of the Council on Foreign Relations, and she is neither a neocon nor an ideologue. She has even earned the suspicion of conservatives for having proposed engaging with Iran and for suggesting—before 9/11—that it is unproductive to brand a state a "rogue regime." The problem is that O'Sullivan, who is in her mid-30s, is not an expert in the field and does not have the stature to take on heavyweights in the Administration (say, Defense Secretary Rumsfeld). Worse, she has two briefs: Afghanistan and Iraq. Either project would (or should) be more than a 24/7 job for a senior Administration official. As a Congressional aide quips, "It's too much to ask anyone to handle two policy failures at once. And what we have now is Administration policy-making that happens mostly by drift, with the White House not caring all that much about it. They'd rather see Afghanistan as 'mission accomplished' and move on." (The White House said O'Sullivan was not available for an interview.)

It has been a year and a half since the Bush Administration had a major player covering Afghanistan. That was Zalmay Khalilzad, an Afghan-American named ambassador to Afghanistan and a special presidential envoy in 2003. He was well schooled in the nation's history and culture and its internecine conflicts. In 2002, as a special envoy, he oversaw the *loya jirga* that led to the establishment of a government there. He later negotiated with regional Afghan leaders. "He would routinely jump into a car and go over to Karzai's office to give him marching orders, for good or bad," says a Congressional aide who witnessed such occasions. A neocon advocate of the Iraq War and a disciple of Dick Cheney and Paul Wolfowitz, Khalilzad had direct lines into the White House and the Pentagon. In March 2005 he was named US ambassador to Iraq.

Khalilzad was replaced by Ronald Neumann, a career foreign service office, who previously served in Iraq and Bahrain. Neumann lacked the standing of Khalilzad. "He tries, but he's not able to get stuff done," Rubin says. "He does not have the clout. When I ask him for something difficult, he says, 'It will never get through the bureaucracy.'"

Until this past March, Maureen Quinn, who had been US ambassador to Qatar, was the State Department's coordinator for Afghanistan. But she, too, did not wield much influence. After she left the post the Administration appointed no successor. Instead, her duties were split among four State Department officials: Richard Boucher, the Assistant Secretary of State for South and Central Asian Affairs, and three of his deputies. But Boucher's bureau is responsible for thirteen countries, including Pakistan, India and Kazakhstan. The Afghanistan and Central Asia brief was added to his bureau only this past February. "The coordination issue has been up in the air for some time," says Ali Ahmad Jalali, a former Afghan interior minister, "and there is less money now. And the country is facing the consequences."

In Washington the bottom line in dollars usually represents the bottom line in policy, and US funding for reconstruction and security assistance in Afghanistan has been on the decline. From fiscal year 2005 to the next, it fell from $4.3 billion to $3 billion. The Administration's request for 2007 funding is $1.2 billion. Of that only about $800 million is tagged for reconstruction and development. "You can't rebuild a country for $1 billion," notes a senior Democratic staffer in the Senate. "To me it says we're just going to hope that things get better without making the necessary commitment." And Congress has not treated Afghanistan as a top-of-the-list concern. (Senate majority leader Bill Frist recently said that the Taliban and their allies ought to be brought into the government. His office later claimed he had meant to refer only to tribal Afghans possibly sympathetic to the Taliban.)

Not only is there no one at the helm of the underfunded policy; the Bush Administration has been unable to forge a consistent approach to the critical issue of Pakistan and the Taliban. In June Ambassador Neumann sidestepped a question about whether Pakistan was supporting the Taliban. In August Gen. John Abizaid, commander of the US Central Command, said that he "absolutely does not believe" that Pakistan has been colluding with the Taliban. But in September Marine Gen. James Jones, the Supreme Allied Commander of NATO, which has just assumed command of the counterinsurgency

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campaign in Afghanistan, told a Senate committee that it was "generally accepted" that the Taliban maintain their headquarters in Quetta, the capital of Pakistan's Baluchistan Province. That would suggest that Pakistan—or elements within its government—is assisting the Taliban. (On October 7 Pakistani police arrested more than forty Taliban suspects, but said they had nabbed no significant Taliban.)

How should the Bush Administration deal with the thorny matter of Pakistan and the Taliban? The Afghanistan desks at the State Department and the National Security Council ponder this and other issues daily, but nongovernment Afghanistan watchers say they see few, if any, signs that senior Administration officials are fully grappling with this dicey subject and the other challenges of Afghanistan.

"The most sensible conversations I have are with three- and four-star generals on the ground there," Rubin says. "The diplomats—they recycle through and have no experience in the area. Everyone in the region assumes that the United States is not serious about succeeding in Afghanistan." Robert Oakley, a former career foreign service officer who was ambassador to Pakistan, notes, "In 2004 I saw a huge surge of interest in the White House, with the President getting directly involved. Now I see less interest. I feel less hopeful. People coming back from Afghanistan are not optimistic." Richard Lugar, Republican chair of the Senate Foreign Relations Committee, recently said at a hearing that the problems in Afghanistan have "become so daunting that there is a feeling, not of confusion or frustration, but of almost general despair."

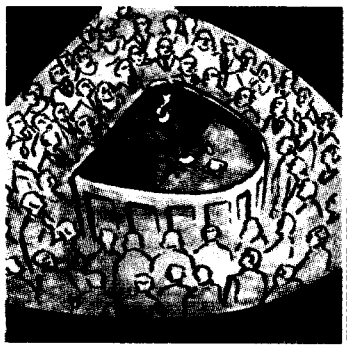
In September George W. Bush brought Karzai and Musharraf to Washington for a dinner together. With the two bickering in dueling CNN interviews over the Taliban matter, Bush remarked, "It will be interesting for me to watch the body language of these two leaders to determine how tense things are." (Referring to that comment, Armitage exclaims, "I didn't believe it. This is not a high school football game.") There was no immediate indication Bush achieved much during the meal. But the day before, the President told Karzai, "I know there are some in your country who wonder whether or not America has got the will to do the hard work necessary to help you succeed. We have got that will." Perhaps. But no one to do the work. ■

IF THE DEMOCRATS TAKE THE HOUSE, PROGRESSIVES SHOULD PREPARE TO TURN UP THE HEAT.

Pelosi's Moment

WILLIAM GREIDER

If Democrats take back control of the House of Representatives next month, they could become the dynamic wedge that starts to revitalize national politics. How? By legislating aggressively on ignored issues that people care about. By opening up the frank debate Republican leaders have suppressed for the last decade. By dragging reluctant Democratic senators and presidential candidates toward embracing a more progressive agenda for 2008.



CHRISTOPHER SERRA

That is not a prediction, because "if" remains the operative unknown. But the ingredients are present for a much bigger deal than conventional wisdom in Washington assumes. The *Wall Street Journal* editorial page recognizes the threat to conservative hegemony. While George W. Bush would still be President and armed with the veto, the *Journal* warned, "the national debate would nonetheless shift notably left."

If Representative Nancy Pelosi, the Democratic minority leader, becomes Speaker of the House, that is a big deal in itself. She will have reached the highest position of power (third in the line of presidential succession) ever achieved by a woman. The right demonizes her and the media occasionally make light of her skills, but Pelosi is stronger and tougher than her reputation. "Anybody who's ever dealt with me knows not to mess with me," Pelosi told *Time* magazine. She has consolidated her power where it counts, within the Democratic caucus.

Even if Republicans hold on to the Senate, a House majority for Democrats will gain voice and leverage, plus the clear power to block what remains of Bush's right-wing agenda: tearing up Medicare or repealing the estate tax and other tax relief for capital. The Democratic House caucus would be freed to set its own agenda and act on it. That dynamic will change the national conversation in the run-up to the next presidential election.

If this happens, expect a flurry of long-stalled but popular legislation to be passed promptly in the House, with likely votes from nervous Republican moderates. Freewheeling debate will be revived. The interplay between House and Senate will suddenly require compromises with liberal Democrats instead of the lockstep conformity imposed by the Bush White House.

Similar circumstances arose three times during the twentieth century when the landscape was altered decisively by off-year Congressional elections—in 1910, 1930 and 1958. Each time, Democrats gained working majorities in the House and began acting on progressive or liberal ideas, even though a Republican President remained in office to block them. Most of those measures did not become law, but never mind. The action re-energized the opposition party and jump-started momentum that led to major reform eras—the presidencies of Wilson, Roosevelt, Kennedy and Johnson.

This time a national consensus for fundamental change has not yet formed, and the House Democrats look timid by

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comparison. But they have chosen a reality-based strategy that offers practical promises over big ideas. Their campaign theme, "A New Direction for America," does not embrace big-spending goals like universal healthcare (the votes aren't there yet). But it does promise action on bread-and-butter liberal legislation Democrats feel certain they can pass, at least in the House, and these issues speak to the everyday concerns of ordinary people.

It's not Newt Gingrich's "Contract With America," the high-visibility stunt that accompanied the Republican blowout of 1994 but produced trivial results once the GOP controlled the House. The Democrats' agenda is more cautious, but it has the virtue of being real—doable steps toward restoring the public's faith in the efficacy of government. Dems reason that this election will be won or lost not by campaign rhetoric but on how voters feel about Bush and his war and the economy. Why confuse the issue with a grandiose wish list?

The Democrats' agenda is more cautious than Gingrich's 'Contract With America,' but it has the virtue of being real.

"In the first 100 hours of a new Congress, if elected," minority leader Pelosi has declared, "Democrats will roll back the subsidies to Big Oil." She means to repeal the tax relief and royalty giveaways Republicans enacted while oil prices and profits soared. House Democrats promise there will be no pay raise for Congress until Congress enacts the long-blocked increase in the minimum wage. They would also have the votes to pass what would be the most significant labor-law reform in at least four decades—"card check" certification for organizing unions that can liberate workers from the brutal unionbusting tactics of business.

Democrats intend to correct Bush's malformed prescription drug program by allowing Medicare to use its vast bargaining power to lower drug prices. Other goodies for drug companies and HMOs will be removed. Dems expect to cut the interest rate on tuition loans and expand Pell grants. They would push for exit from Iraq, while implementing numerous homeland-security measures that the 9/11 commission recommended and Bush has ignored.

The objectives could get bigger and bolder if Democrats win control by a substantial majority, though no one is counting on that. Representative Pete Stark, the California liberal who would become chair of the health subcommittee of Ways and Means, has proposed a bill that essentially broadens Medicare coverage to include uninsured Americans. Stark said, "I would love, of course, and the Democratic Party would agree, to move toward universal coverage. But that's not going to happen with a five-vote majority and no one in the White House pushing."

Lots of other legislative issues have a good shot at House passage. Senior Democrats think their break from the past—Republican refusal to face these issues—will generate its own popular momentum for more action. Representative George Miller, another California liberal and Pelosi's close policy adviser, would again become chair of the Committee on Education and the Workforce and is confident of winning on many matters.

"I have constructed the votes on a number of environmental issues or labor issues where I have a clear majority—230, 240 or 260 members who would vote for them," Miller explains. "I can't get that vote under the Republicans. After Gingrich and DeLay, the House became 'winner take all.' This most democratic institution now looks more like a bad Third World country where if you win an election, you get to shoot your opponents."

Representative Barney Frank, the Massachusetts liberal who would chair the Committee on Financial Services, wants to legislate across a broad front and predicts, "We are going to frame these things so a lot of Republicans are going to have a hard time voting no." His committee's jurisdiction would let him take up predatory lending, unregulated hedge funds, consumer protection from financial fraud, Federal Reserve policy, the IMF and World Bank. He wants to give shareholders the power to reject the swollen pay packages awarded to corporate executives. He wants to start a major inquiry into income inequality, both in America and the global economy.

"The biggest difference will be housing," Frank says. "We will get back in the business of building affordable housing. Republicans cut that out. That also means helping the homeless with social services. Housing is a big social problem, and now people understand it's also an economic problem, not only for the poor but for the middle class."

Perhaps most significant among the changes if the Democrats take over is that the new Democratic committee chairs would be able to launch myriad hearings and investigations—the oversight Republicans have virtually shut down. That includes contracting scandals and governing breakdowns in the executive branch, constitutional abuses by this President and the gaping holes in America's system of elections. The House could become center stage for the war debate, with Bush's lieutenants under oath required to answer their critics. Oversight is one of the core functions of Congress. Because Republicans have willfully shunned it, oversight hearings have the potential to expose scandal and produce shocking headlines. Pelosi was asked what was most important about regaining majority status. "Subpoena power," she said.

The power to investigate has the potential to create the biggest waves in public opinion. Representative John Conyers promises, if he becomes chair of the Judiciary Committee, to initiate a preliminary inquiry into George W. Bush's constitutional abuses. Representative Henry Waxman of the Government Reform Committee is "stunned" by the contracting waste, fraud and abuse in Iraq reconstruction, homeland security and the recovery from Hurricane Katrina.

Representative John Dingell of Energy and Commerce—the investigative master who taught a generation of younger Democrats how to do effective oversight—may look into the oil industry's pricing and profit-making. Representative Ed Markey, who would chair the subcommittee on Telecommunications and the Internet, would take on the FCC's lax supervision of the industry's forming of monopolies, including corporate dominion and attempts to seize control of the Internet.

Even if such efforts succeed, they are only a prelude to big

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change. Reversing the party's decades of retreat and defeatism is like turning a stalled ocean liner around. It takes time and patient steps, and these might be overtaken by larger events. The Democrats have a shot, if only they find the nerve to act aggressively on their opportunity.

Pelosi has the sure footing to step up the pace as circumstances improve, but she needs outside help. She will be aided if others turn up the heat on her, raising their expectations for what Democrats can achieve. The newly revived Progressive Caucus is already playing that role. Its members are now nearly one-third of the Democratic caucus. Co-chairs Lynn Woolsey and Barbara Lee will push big questions others aren't yet ready to face—like cutting the military budget and reviving the commitment to eliminate poverty.

The outsiders in the party—rank-and-file voters, issue groups and ankle-biting bloggers—should get closer to the Congressional action and insinuate themselves as friendly critics of what the party is doing or afraid to do. Banging on Bush is always worthwhile, but banging on Democrats may now produce results. ■

UNIONS PULL TOGETHER TO MOUNT THEIR MOST VIGOROUS POLITICAL EFFORT IN YEARS.

Laboring Toward Election Day

DAVID MOBERG

On a warm September evening, retired teacher Pat Ryan and community college maintenance worker Al Wesley were knocking on doors in a modest neighborhood of Austin, a town in the flat farm country of southern Minnesota. They were passing out leaflets to union members like themselves and identifying likely supporters of labor-backed candidates, such as Tim Walz. A teacher, union member and veteran of the Army National Guard, Walz is running a strong pro-worker, antiwar campaign against conservative Republican incumbent Gil Gutknecht.

CHRISTOPHER SERRA

Walz is counting on union troops like Ryan, who worked across the hall from him, and Wesley, a vet whose daughter is now in Iraq and whose politics were shaped twenty-one years ago by his participation in a high-profile strike against the Austin Hormel plant. "A good portion of our electoral strategy hinges on organized labor," Walz says, "and we've said all along that organized labor issues are not just union issues. They're American worker issues." In Congressional races across the country, especially key contests in the Midwest and Northeast, Democratic candidates similarly depend on the political effectiveness of a shrinking labor movement that split apart a year ago.

Broad sentiment against Bush and misgivings about the war have opened up rare opportunities for Democrats, but in a nonpresidential year with Republicans strengthening their turnout strategies, they will need a mighty push from grassroots voter mobilization. And no push is more important than labor's. The good news for Democrats is that despite its problems, organized labor is mounting a record effort, maintaining roughly the same level of union political cooperation as before the split, and finding new ways to expand its influence.

Despite the split, the AFL-CIO did not reduce its $40 million budget for this election cycle, the largest ever in a nonpresidential year. And while labor concentrated on sixteen battleground states in the 2004 presidential election, this year the AFL-CIO is targeting more than 200 races in twenty-one states, including many gubernatorial races. The new Change to Win Federation is focusing on only three states, but most of its affiliates are casting a much wider net. Individual unions in both federations report putting as much or more money and effort into a larger number of races than ever before. Even more than in 2004, member activists—not union staff—are contacting fellow unionists at work, in neighborhoods and by telephone.

"This is a turnout election year," AFL-CIO political director Karen Ackerman says, not a time like 2004 for voter persuasion or registration, though union registration efforts continue, especially with immigrant rights groups. "Our job is to reach people who voted in 2004 but not in 2002 among union members and families and make special efforts to get information to them."

According to a Hart Research poll, so-called drop-off Democratic voters, who have become politically disengaged in the last few election cycles, are more dissatisfied and inclined to vote Democratic in response to key labor issues—regarding jobs, healthcare, education—than even the average union member. And voters overall, Hart concluded, are significantly more motivated to vote Democratic by labor's message on the economy than by Democratic attacks on the Iraq War or corruption.

So drop-offs make ideal targets for union political organizing. Voters in union households, compared with nonunion households, are more likely to vote, and when they do, they tend to vote Democratic. Political scientist Peter Francia's new book, *The Future of Organized Labor in American Politics*, concludes that labor has grown more effective politically since John Sweeney became president of the AFL-CIO in 1995. And even though a 2004 study by Harvard economist Richard Freeman casts doubt on labor's claim to have expanded its share of the electorate since the early 1990s, union households still account

David Moberg, a senior editor at In These Times, *writes frequently on labor for* The Nation.

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for roughly a quarter of all voters. This is impressive, given that unions represent a shrinking share—about one-eighth—of the workforce.

Faced with that dwindling base, unions have demanded more support from politicians for organizing, such as the Employee Free Choice Act, which provides less burdensome union recognition procedures. And Change to Win wants to refocus its political strategy even more toward union growth, UNITE HERE chief of staff Chris Chafe says. But the labor movement is also expanding the universe of voters—union and nonunion—it can mobilize. Over the past three years, the AFL-CIO has recruited more than 1.5 million members in about fifteen states to its new "community affiliate," Working America. Its members are mainly middle-income workers who sympathize with labor's broad goals but do not belong to unions. In Ohio one in ten households will be part of Working America by this election.

"The impact of the split has been minimal so far," says AFSCME's political director. "Both sides realize there's a bigger picture."

They were recruited by organizers like Kirby Torrance, a curly-haired recent Sarah Lawrence graduate who was knocking on doors this fall in Coon Rapids, a remote Minneapolis suburb of split-level houses and driveways filled with pickups and SUVs. At each house Torrance delivered a short, vigorous argument about how Working America was fighting for affordable healthcare (or good jobs), asking any adult in the house to sign up and "send a strong message to our representatives." Two-thirds typically do, and even if their initial commitment is superficial, they receive information about elections, issues and legislation. Lake Research studies for the AFL-CIO suggest that Working America boosts turnout and support for labor candidates dramatically, for example, lifting participation by drop-off voters by twenty percentage points above the general public's.

Larry Meyer, a 56-year-old independent salesman, is the kind of nonunion worker Working America seeks. With health insurance costs increasing and coverage shrinking, Meyer, who faces three major surgeries this year, is concerned about both health insurance and the health of the country. "I'm not a very political person, but I think our country has gone so far off the deep end, we need to get it back on track," he says. "We're not a democracy. We're heading the other way."

Unions have also forged alliances with other groups to generate voter enthusiasm for their issues and candidates. Working Families Win, a partly labor-funded project of Americans for Democratic Action, organizes nonunion activists from small cities in eight states to reach voters about trade and related economic matters. ACORN, working with unions, has put minimum-wage referendums on four state ballots, potentially boosting low-income-worker turnout. And the union-backed Working Families Party, which gives voters a chance to support Democrats while sending a distinct worker-oriented message, is organizing in two key, hotly contested Congressional districts—an upstate New York seat vacated by Republican Sherwood Boehlert and a competitive Connecticut seat held by Republican Nancy Johnson.

Beyond expanding its turnout operations, labor is strengthened by what it didn't do: splinter. The AFL-CIO and Change to Win negotiated agreements permitting local CTW unions to receive "solidarity charters" so that they could continue to participate in the AFL's central labor councils or state labor federations. And this summer the two federations formed a National Labor Coordinating Committee for politics. "We're uniting across the labor movement with both federations to assure maximum turnout," says Chafe. "There's a lot more common ground than differences with the AFL-CIO when it comes to political action," including near complete overlap in lists of top targets.

In many areas, the split has had little effect: In Austin, Ryan and Wesley are AFL-CIO members, but their labor-to-labor walk was organized at the local of the United Food and Commercial Workers (UFCW), a CTW union. CTW unions can decide state by state how they want to participate in the AFL-CIO program—neighborhood walks, polling, research, mailings. The Carpenters and Teamsters seem to share membership lists the least with the AFL-CIO, and the Service Employees (SEIU) maintain considerable independence, but in some states CTW unions participate fully in AFL-CIO operations. Even before the split, however, many local or national unions had gone their own way.

"The impact of the split has been minimal so far," says AFSCME political director Larry Scanlon. "Unions on both sides realize there's a bigger picture out there." And Communications Workers District 4 vice president Seth Rosen notes, "If you're a local-level activist [in Ohio], it would appear there's more cooperation than there was two years ago."

The delicately negotiated cooperation between the two federations raises questions about why they even split. But despite critiques raised a year ago about the AFL-CIO's political focus, CTW leaders argue that the break was really more about how the two federations will organize new workers.

They broadly agree on workplace and economic issues, though some unions give special emphasis to topics like trade. CTW unions highlight their work on state races, according to SEIU government affairs director Ellen Golombek, because workers can win a bigger voice on matters that affect their lives now at the state rather than the federal level. But there's little discernible difference from what the AFL-CIO is doing in states.

A year ago CTW and a few AFL-CIO unions were urging more labor support for Republicans. But if anything, there now appears to be a slight shift toward greater Democratic partisanship from all unions, especially at the federal level. "We've tried to be bipartisan," UFCW political director Michael Wilson says, "but the number of Republicans we can support is relatively small." Another union endorsed some Republicans without fanfare as part of its bipartisan strategy and simultaneously increased support for comprehensive Democratic mobilization.

Moreover, unions are now heavily invested in certain races, such as three Connecticut seats held by Republicans, that were not previously on their radar screen. "These races could change the makeup of the House of Representatives," Connecticut state

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AFL-CIO president John Olsen said. "It's energized people."

In the high-profile Connecticut Senate race, however, labor is deeply split between antiwar insurgent Democrat Ned Lamont and the defeated Democratic incumbent, Joe Lieberman, now running independently after receiving an AFL-CIO endorsement for the primary only. Although union strategists recognize that the Iraq War is a critical issue, most argue that unions are mainly credible with members when they address issues related to work and economics. Some individual unions and the AFL-CIO plan to criticize the budgetary impact of the war, but even in a union ardently opposed to the war, UNITE HERE, two big New Haven locals, back Lieberman, largely because he supported their most recent strike.

Labor's biggest political conundrum is immigration. "It's a huge issue, much bigger than I expected," Scanlon says. Even in southern Minnesota, Gutknecht is running an anti-immigrant campaign. Walz responds by emphasizing the unworkability of Republican plans, the need to enforce labor laws and deal with the economic roots of immigration (including NAFTA), and the potential to combine border security with a path to citizenship for all immigrants. It's a sound strategy but not likely to neutralize immigrant-bashing rhetoric. As one labor expert on immigration acknowledges, "Nobody is talking about it because nobody knows what to say. So it's not part of the political program."

In many states, such as Minnesota and Ohio, union political strategists are enthusiastic about Democratic slates with a strong prolabor message. "What makes the work better this year is that candidates are running on the same position as we talk about in the workplaces," says John Ryan, leader of the Cleveland-area labor federation, now working as manager of Sherrod Brown's Senate campaign. "Members don't turn on the TV and see a message that's different."

Despite anxieties that unions are not really gearing up adequately to exploit their opportunities, both anger at Bush and economic insecurity are spurring grassroots activism in many areas. As Al Wesley said, after door-knocking in Austin, "You've got to do something. You can't just sit on your hands." ■

THE DEMOCRATS' POLICY SHOWS THEY CAN COMPETE WITH THE GOP IN WASTING MONEY.

Needed: A New Security Plan

WILLIAM D. HARTUNG

By this point in George W. Bush's second term, the dangers of his Administration's national security policy are clear. From the debacle of "preventive" war in Iraq to the abuses of human rights at Abu Ghraib and Guantánamo, the Bush Administration's post–September 11 policies have had disastrous consequences.

CHRISTOPHER SERRA

These failures of the Bush foreign policy should have opened the way to the presentation of substantive alternatives by the Democrats. Sadly, that has not been the case. For example, a brief outline of the "Real Security" policy, released on March 29 by the Democratic leadership in Congress, dodges the most important issues. The document has some good proposals, including a call to promote energy efficiency and alternative fuels. A concrete plan that talks about where to invest and what the results are likely to be would offer a sharp contrast to the Bush Administration's "all oil, all the time" energy policy.

The positive elements of the Democratic plan are overshadowed, however, by its implication that it may be necessary to increase military spending beyond the levels already reached during the Bush buildup. Counting the costs of the wars in Iraq and Afghanistan, US military spending is weighing in at more than $550 billion per year, higher than the peak levels reached during the Reagan buildup or the Vietnam War. Yet the Democratic statement speaks of the need to rebuild the military without calling for any cuts in unnecessary programs. This may be a tactical decision aimed at showing that Democrats too can be tough on defense, but all it indicates is that they can compete with Republicans in wasting defense dollars.

A second approach that has received considerable attention is found in *New Republic* editor at large Peter Beinart's *The Good Fight: Why Liberals—and Only Liberals—Can Win the War on Terror and Make America Great Again*. Beinart's book stresses the importance of working with allies and the need for justice at home as foundations of a sound foreign policy; but these themes are more than offset by his messianic advocacy of nonstop military interventionism.

The breadth of Beinart's proposed mission for the military is stunning: "It would be naïve...to think that freedom, even broadly defined...is enough to defeat jihadism.... From the Middle East to Southeast Asia, from the Horn of Africa to the Sahel, the United States may need to enter stateless zones, capture or kill the jihadists taking refuge there, and stay long enough to begin rebuilding the state."

After more than three years and $300 billion spent in Iraq—a war Beinart supported—one is hard-pressed to know when the beginning of the rebuilding of the state will have been accomplished in any given intervention. In keeping with his ambitious military agenda, Beinart supports a stable or

William D. Hartung, a senior research fellow at the World Policy Institute at the New School, is a contributor to Hitting First: Preventive Force in US Security Strategy, *edited by William W. Keller and Gordon R. Mitchell.*

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growing military budget, deriding progressives who "casually urge cutting the defense budget."

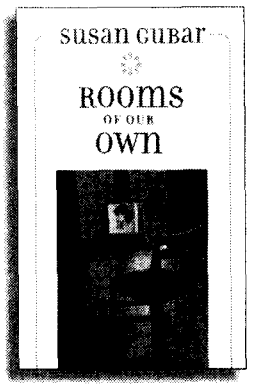
The Progressive Policy Institute—the research arm of the Democratic Leadership Council—has produced its own set of proposals for reforming US military strategy. The DLC analysis shares Beinart's call for a muscular liberalism grounded in a "stronger and larger military." That being said, the DLC analysis does contain some common-sense proposals for expanding nonmilitary forms of engagement. But despite its nod to diplomacy, when push comes to shove the PPI's proposed strategy speaks of "prevention" of looming threats in purely military terms, as in "destroying weapons of mass destruction...and the means to produce them in rogue states"—essentially a policy of bombing the bombs.

The highest priority for any new approach to defense is to broaden the definition of security to include all threats to human life, whether they stem from terrorism, disease, environmental degradation, natural disasters or entrenched poverty. This concept of security as protection makes it clearer that the military is only one of many tools that can be used to address urgent threats. Strength should not be equated with more military dollars but with the application of the right tools to the right problems.

An example of this approach is the Unified Security Budget (USB), the product of a task force of nongovernmental policy analysts that includes officials who have served in the Pentagon, Congress and the uniformed military. Its most recent report proposes a "security shift" that would cut $62 billion from military programs and invest $52 billion in nonmilitary security tools. Proposed military cuts include cold war–era systems like the F-22 fighter plane, excessive nuclear forces and the costly, unworkable missile defense program. Alternative security proposals by the USB task force include beefed-up spending on the State Department's diplomatic capabilities and on alternative energy sources, economic development in the global South and a more sensible approach to defending US territory that includes chemical plant protection, port security and increased investment in public health.

There are a number of critical security issues that go beyond changing budget priorities. For example, efforts to "get tough" with Iran and North Korea over their pursuit or development of nuclear weapons need to be replaced by genuine negotiations. In Iran this could mean allowing a small civilian nuclear program under a strict regime of international inspections and monitoring. In North Korea the United States should take the lead in offering energy assistance, financial aid and a nonaggression pact in exchange for a rollback of Pyongyang's nuclear weapons program and the elimination of its current weapons. Opening trade with North Korea could help to open up the country economically and politically. Under these circumstances, this could eventually lead to reunification with the South, eliminating the threat altogether.

As for Iraq, US military withdrawal within a definite time frame (a year at most) is more likely to reduce internal violence there than the Bush Administration's "stay the course" policy. Withdrawal should be accompanied by a new infusion of economic aid—and a policy toward Iraq's oil resources



Rooms of Our Own
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"This experimental narrative criticism is an astute feminist revision of Woolf's title that reflects contemporary academic moods and mores. . . . Highly recommended."
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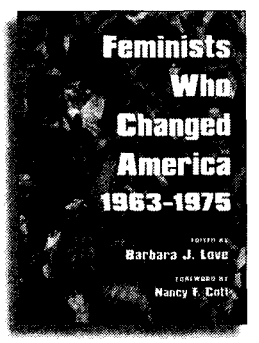

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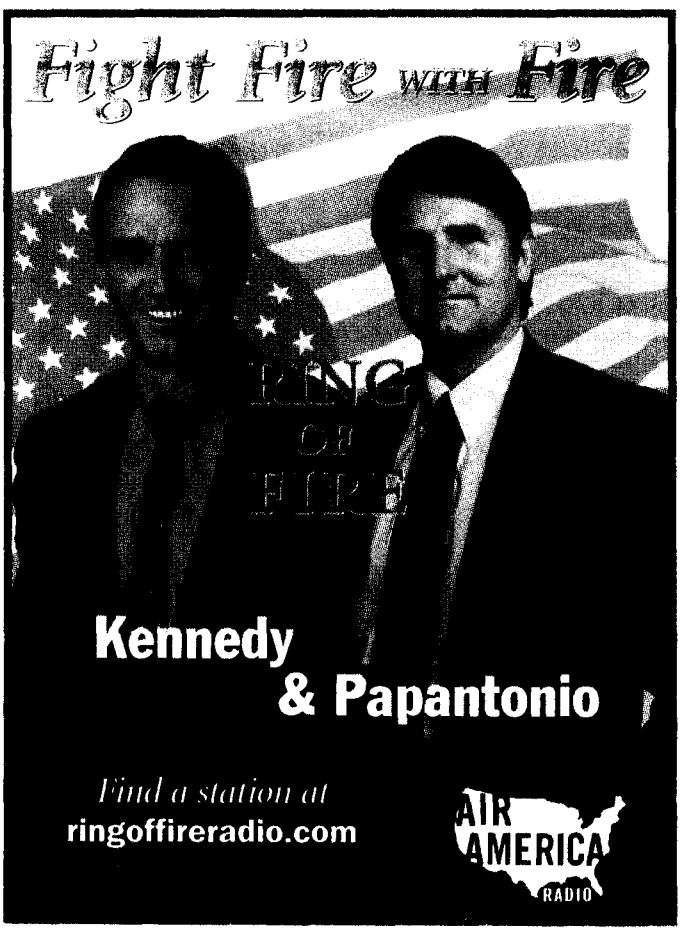

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that restores control to the Iraqi government. This economic program should be paralleled by an effort to negotiate conflicts among Sunni, Shiite and Kurdish factions within Iraq. Negotiations should be backed by a multiparty coalition that includes Iraq's neighbors—from Jordan and Saudi Arabia, to Iran and Syria, to Turkey and Kuwait—plus major powers like the United States, Russia, China and the European Union. To avoid the gridlock that might ensue from working with such a large group, a smaller contact group should be chosen to do the direct negotiating with Iraqi factions.

Merely focusing on Iran and North Korea is not enough; drastic reductions in global nuclear arsenals should be pursued as well. Ultimately, the only reliable defense against nuclear weapons is to get rid of them. This means accelerating reductions in the nuclear holdings of the United States and Russia, which still number in the tens of thousands if one counts weapons being held in reserve. This step should be accompanied by a speeded-up process of reducing loose nukes and bomb-making materials in Russia, so that this vital task can be accomplished in four years rather than the thirteen or more it will take at current funding levels. This could be done with an additional annual investment equivalent to the cost of about one month of the occupation in Iraq.

The depoliticizing of the gathering and use of intelligence should also be a top priority. Hyped intelligence was used to sell the war in Iraq, and there are already signs that it is forming the core of a case for military action against Iran. In addition to making the details of intelligence assessments public, the CIA and its fellow intelligence agencies should be taken out of the business of covert operations, secret detentions in so-called black sites, torture, secret eavesdropping on domestic targets and other illegal activities. The gathering of intelligence should be the CIA's only job. Greater respect for the information gathered by international agencies like the International Atomic Energy Agency—the only agency that was right in its assessment of Iraq's nuclear, chemical and biological weapons capabilities—would also be a huge step forward.

In addition to broadening our definition of what constitutes security, we must begin a national discussion on what the mission of our armed forces should be. When should the United States use military force? Only to attack specific terrorist strongholds, to act against nations that are poised to attack the United States or one of its closest allies, to prevent genocide or to assist in policing peace agreements in unstable regions. The Bush Administration's doctrine of preventive war—which does not mean acting against an imminent threat but rather promoting a first-strike war against a country that poses a distant potential danger to US security—should be abandoned. The United States should seek United Nations and Congressional approval for acts of war and reach out to allies in a genuine fashion, not in the "take it or leave it" manner favored by the Bush Administration. Without a thorough debate over how and when to use force, efforts to change US military spending and strategy will be doomed to failure. ■

LETTERS
CONTINUED

(Continued From Page 2)

desperately wants to become editor in chief. Many people in the company hope he doesn't move into that role.

I am a firsthand witness over a period of almost two decades to Coombs's racism, sexism, anti-Semitism and bullying. Coombs and Pruden have engaged in smear attacks against me and others who question the direction they have taken the paper and their micro-managing and bullying. GEORGE ARCHIBALD

Silver Spring, Md

■ As a former (albeit short-lived) staffer at the *Washington Times*, I was eager to read Max Blumenthal's exposé. What I found was largely a rehash of revelations about Francis Coombs's hateful but well-known views on race, along with a fair summary of the struggle for the *Times*'s soul. Missing is a larger indictment of a newsroom culture that quashes journalistic talent for the sake of an extremist ideology.

Readers may get the impression that editors like Coombs and Stacy McCain have handpicked a staff of right-wing crazies to support their agenda—but that's not the case. Coombs and especially McCain, a virulent misogynist, are reviled by most *Times* staffers, who would like nothing more than to turn the crass propaganda sheet into a respectable newspaper.

One detail did give me a jolt: Blumenthal writes that on August 22, Coombs devoted page 1 to a positive review of Pat Buchanan's anti-immigrant screed. How typical. In my brief tenure at the Sunday books section, I was preempted again and again by McCain (presumably with Coombs's OK) placing fawning "news" stories about right-wing books in the main section, even though said books had already been assigned to experts for objective review. AMANDA KOLSON HURLEY

Lansing, Mich.

■ Max Blumenthal's piece is badly reported and irresponsible journalism, and his use of unnamed sources makes his much-anticipated story read thin. His reliance on George Archibald as one of only a few named sources likely provoked laughter in several Washington-area circles. As a hit job, this story failed. As a dish piece, it is somnambulistic. It might have been a good business profile had it not jetted off into tabloidville. Sadly, the story tacitly maligns some terrific reporting by some very decent folks, like Bill Gertz, Jerry Seper, Rowan Scarborough, Audrey Hudson and Steve Dinan, among many others. Despite the Moonie whisperings, there are many talented folks at the *Times* who have endured for years and whose work is just as commendable as anything published in the oft left-leaning *Washington Post* or *New York Times*. They should be honored for informing the debate inside and outside the Beltway and reminding readers—not professional wonkers and politically agitated squawkers—that there often is another side that deserves equal attention. On a personal note, I have had drinks socially with managing editor Fran Coombs several times and am happy to report that his conduct as a gentleman was always above reproach. ANDREA BILLUPS

BLUMENTHAL REPLIES

New York City

■ Andrea Billups claims my reporting "tacitly maligns" reporters like Audrey Hudson. In a letter to *The Nation*, Hudson disagreed. Billups also asserts that while having drinks with Fran Coombs, he behaved like a perfect gentleman. Melissa Hopkins, who alleges Coombs sexually harassed her then sabotaged her career, would disagree.

Coombs, for his part, baselessly labels George Archibald "the overall architect" of my piece. I in fact relied on a dozen sources, many of whom are current *Times* staffers who would be fired for going on the record. Further, Coombs does not mention anywhere in his letter the alleged victim of his sexual harassment, Hopkins. Nor does he mention former *Times* arts editor Marlene Johnson, who bluntly described him to me as "a racist." Johnson is an African-American, so she perhaps does not count to Coombs.

MAX BLUMENTHAL

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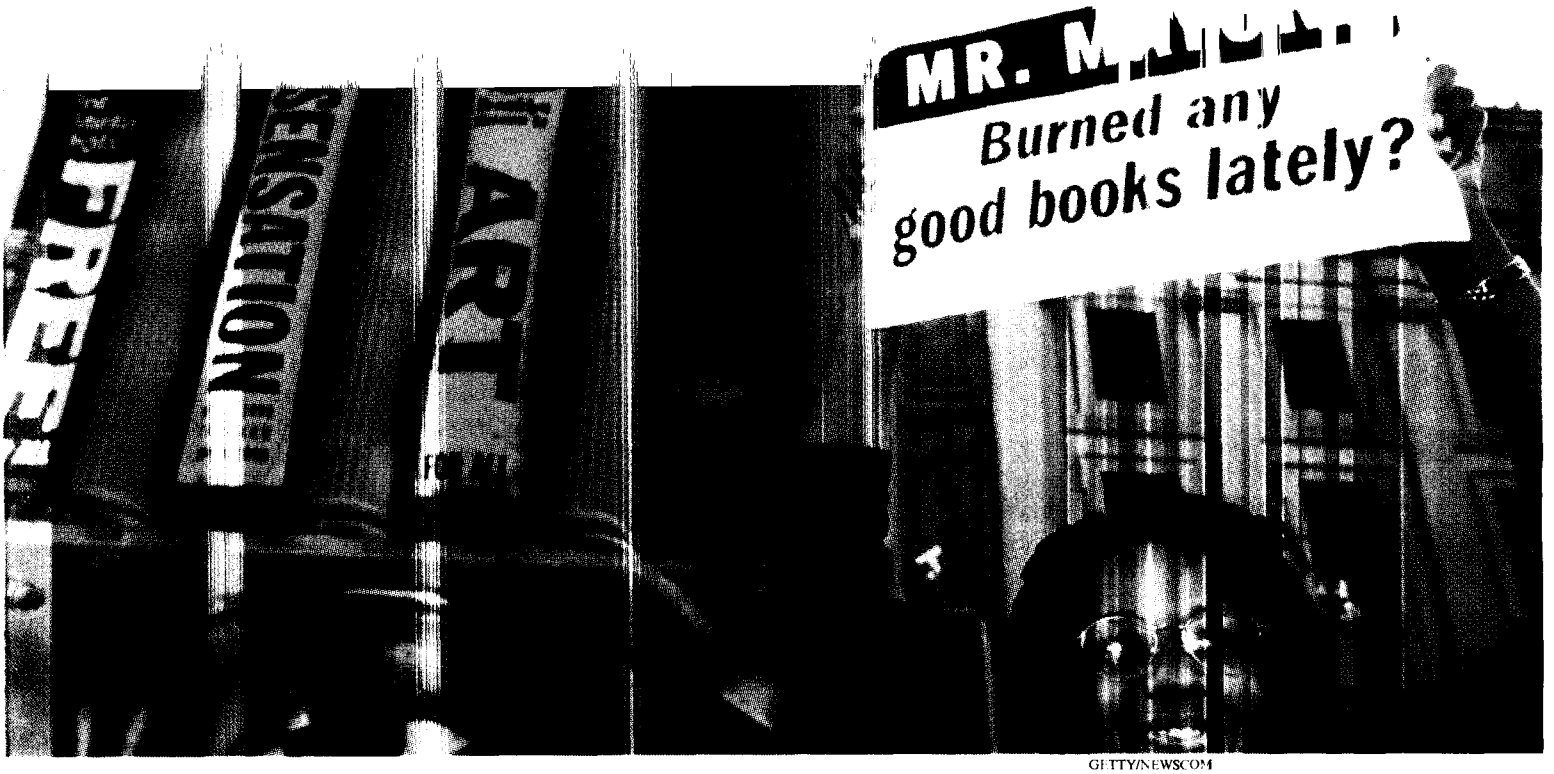

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Whose Art Is It Anyway?

PETER PLAGENS

VISUAL SHOCK: A History of Art Controversies in American Culture.
By Michael Kammen.
Knopf. 450 pp. $35.

GOOD AND PLENTY: The Creative Successes of American Arts Funding.
By Tyler Cowen.
Princeton. 196 pp. $27.95.

"If that's art, I'm a Hottentot," declared President Harry S. Truman in 1947. The objects of his displeasure were a group of paintings about which *Look* magazine ran a spread under the watchdog headline "Your Money Bought These Pictures." The State Department had purchased the paintings for an exhibition that would travel overseas to proclaim by example that artistic creativity flourished best in America, under American capitalism. The paintings on trial—such as Yasuo Kuniyoshi's politely Expressionist *Circus Girl*—were hardly radical, even for the time. Cubism was four decades old and weirder-by-far Abstract Expressionism had already reared its drippy head in New York. But back then, as now, it didn't take much to rouse yahoo ire, even in the White House. The show was canceled. Nine years later, new paintings on Nebraska's statehouse walls by a veteran muralist who'd gone belatedly Modernist prompted a member of the public to say, "I feel that the mural in the Capitol is grotesque and ugly. Why don't we have a prairie scene such as Miss Dolan painted?" The woman's wistfulness was by no means an anomaly. According to a 1954 Gallup poll, 54 percent of Americans disliked modern art of any kind.

What did Americans want? In the 1930s, the influential Chicago organization Sanity in Art provided a wonderfully summary answer when it took a position in favor of "rationally beautiful" art. Although the group failed to specify the exact ingredients, what a Midwestern art professor once told me after a lecture I gave at his college seems about right: Americans want, first, signs of a special talent. Second is lots of evident labor; third comes nonabject materials. The fourth requisite is realism, followed by noble (or at least not ignoble) content. Nowadays, you might add to the list political correctness of one sort or another. (In 1999 a photo blowup of Robert E. Lee in a Confederate uniform was ordered removed from the roster of famous Americans on the Canal Walk in Richmond, Virginia, until it could be replaced by one of the general in civvies.) And hanging over everything is the presumption of the constitutional right of every American never, ever to be offended by anything. Ours is a cultural, as much as a po-

Peter Plagens, art critic for Newsweek, *is the author of* Sunshine Muse: Art on the West Coast, 1945–70 *and the novel* Time for Robo, *among other works. He is also a painter.*

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litical, democracy, where plebeian opinions about art ought to count—we think—just as much as those of any effete egghead aficionado with a whole bunch of degree initials after his name. We bristle at authority in matters of aesthetics, and we're willing to go to the mat about it. We, too, are wont to proclaim, "If that's art, then I'm a Hottentot."

In his thorough and readable new book *Visual Shock*, Michael Kammen—who occupies an endowed chair of history and culture at Cornell and who won a Pulitzer Prize for *People of Paradox: An Inquiry Concerning the Origins of American Civilization*—recounts a few hundred years' worth of such art controversies in America. He reviews dust-ups as recent as the deriding of Eric Fischl's 2002 bronze sculpture *Tumbling Woman* (a perhaps misguided attempt to memorialize those who fell or jumped from the burning World Trade Center towers) and as far back as Thomas Jefferson's 1786 put-down of a proposed statue of George Washington in a toga: "I think a modern in antique dress is just an object of ridicule."

Kammen handles these variegated brouhahas with welcome deftness; he squeezes in all the facts while maintaining a nice narrative flow. He's politely in favor of artistic free speech and moderately opposed to obstructionist populism; but Kammen is only as opinionated as he needs to be to keep the book from sinking into moribund evenhandedness.

The statue of a classicized George Washington, incidentally, was finally realized in 1842 by Horatio Greenough, and the real thing didn't fare much better than the original idea did. Senator Charles Sumner of Massachusetts called the huge, buffed-out stone Washington "a grand Martial Magog" and said that the Father of His Country would never have gone out semi-naked in the nation's capital in winter. However willfully literal Sumner's criticism (the real G.W. would never have sat with his right arm raised for 160 years, either), its operative principle still obtains today: Memorials demand hagiography. The trouble is that fulsome praise made visual often looks overbearing, misguided or unintentionally funny. Although the Lincoln Memorial—with its surprisingly recent dedication date of 1922—has settled into our collective data bank of patriotic images as a kind of mammoth, extra-reassuring department store Santa, a young Lewis Mumford fumed at the time that the monument exuded "not the living beauty of our American past, but the mortuary air of archaeology. The America that Lincoln was bred in, the homespun and humane and humorous America that he wished to preserve, has nothing in common with the sedulously classic monument."

War memorials have been especially problematic. We all know about the vitriol hurled at Maya Lin's design for the 1982 commemoration of the Vietnam War: guilt-ridden, defeatist, nothing but a black scar gouged into the ground, etc. Kammen neither condemns such patriotically philistine criticism nor exclaims what a miracle it was that a student completing an architectural class assignment at Yale would get the commission, but he does note that Lin's is now the most popular memorial in Washington. (Hardly anybody feels the need to consume Frederick Hartt's hastily added, academically heroic bronze of three grunts coming back from patrol.) Still, I can't help predicting that when the time comes to memorialize our current military folly, the Maya Lin dispute will be repeated practically verbatim.

Americans, despite their prurience in other matters, often respond to erotic art by pulling on bluestockings and hauling out the fig leaves.

Lin's eventual triumph seemed to set in motion a resolve to pay belated homage to the Americans who fought in Korea and World War II. In the case of Korea, our once-bitten-twice-shy government wished to avoid a controversy and saw to it that the jury for the Korean War Memorial was composed of ten veterans of the conflict. From submissions in a competition, the veterans chose what turned out to be—after some aggressive lobbying by an organization of retired brass calling itself the American Battle Monuments Commission—an outdoor installation of nineteen (half the number of the crucial Parallel) realistic sculptures of strong-jawed GIs in rain ponchos on their way to stop the spread of communism. This time, in 1995, there wasn't much of a controversy, in part because such monument projects were now required to raise the majority of their costs from private sources, and partly because the political atmosphere in the country had been swinging steadily rightward since 1980. When the rigidly stentorian World War II Memorial was dedicated in 2004, it looked like America had copied the design Mussolini would have erected in Rome had the Axis powers won the war.

But if violence in the form of war is difficult to commemorate, sex is an even touchier art subject for Americans. Which is weird, since we veritably wallow in it elsewhere. Every other province of our culture—especially fashion, movies, TV and advertising—is festooned with breasts and bums and breasts and crotch bulges and breasts and more breasts. The Internet? Please. While there's an occasional flare-up of outrage like Janet Jackson's "wardrobe malfunction" during the 2004 Super Bowl halftime, the tide of de facto prurience—check out the Grammys on TV, or even the red carpet runway show before the Grammys—is unrelenting.

When it comes to art, however, we have a tendency to pull on our bluestockings and haul out the fig leaves. Barely ten years ago a gallery director at Brigham Young University refused to uncrate Rodin's *The Kiss* for a traveling exhibition. (One wonders how he would have dealt with Magritte's *Lovers*, which shows a man and woman kissing through the bags over their heads.) Hardly a week goes by without a story about "inappropriate" art being hustled out of public view. The most hilarious incident I ever witnessed was at the LA County Museum of Art in 1965, when the chicken-wire couple humping in Ed Kienholz's assemblage *Back Seat Dodge, '38* had the car doors closed on them during hours when school kids were most likely to wander the galleries. And the best solution I've ever heard comes from Kammen's book: Robert Moses took umbrage at the topless figures representing "vice" being trod on by a sinless hunk with a club in Frederick MacMonnies's 1922 sculpture *Civic Virtue*, which stood outside City Hall in Manhattan. So in 1941 Moses had it moved to Borough Hall. In Queens.

The most contentious issue in the testy relationship between art and the American public has been Modernism itself. Art critic Kenyon Cox called modern artists "anarchists" in 1913, and by 1949, according to what Representative George Dondero of Michigan read into the Congressional Record, they were sissy anarchists—or communists, or whatever—too. Dondero proclaimed that if prestigious art organizations like the National Academy of Design failed to "purge themselves of this [Marxist] social disease...it would be an admission of transcendent weakness and feeble manhood." Butchiness in the artist himself hasn't, however, provided much protection against the pre-

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vailing sentiment against Modernism in art. When regionalist painter John Steuart Curry submitted a sketch in 1937 for a mural in the Kansas state capitol in Topeka, his Hereford bull was deemed too red and not "natural-like," the cows' legs were too long, the skirt on the farm mother was too short and the pigs' tails too curly for his efforts to qualify as genuine art. Curry's compatriot Thomas Hart Benton was similarly pilloried over his statehouse murals in Missouri. "Mr. Benton," intoned the *Tulsa Tribune* in 1936, "has lied about Missouri. He has desecrated its capitol walls declaring that Missouri's social history is one of utter depravity. That is a lie—Missouri's social history is a story of growing refinement and nobility." Right.

Curry's alleged drawing inaccuracies and Benton's putative historical mendacity were particularly galling to the public, politicians and newspaper writers of the time because they were subsidized by public money. Direct government subsidies—especially for works of art, art exhibitions or public institutions holding art exhibitions—have always exacerbated art controversies. But during the Great Depression, there was at least an assumed unified American outlook (white, working-class-aspiring-to-middle-class, Christian, patriarchal, familial, etc.), which has gone by the boards in our current "glorious mosaic." A unified American outlook of any sort has been undercut not only by the recent ascendancy of "multiculturalism" but also by the collapse of the welfare state (apparently we are *not* our brothers' and sisters' keepers) and labor unions (the last bastion, besides the military and sports teams, of all for one and one for all). This puts us at a disadvantage, compared with other countries, in supporting works of public art. America, Kammen writes, lacks a bedrock canon: "The Germans do not quibble over subsidizing performances of Bach, given his centrality to their history and culture. The American citizenry, more ethnically diverse in nature, and less connected to historical high culture, cannot target direct subsidies with equal facility."

The American citizenry does have a knack, however, for unifying around the protest of subsidized works of art. The most famous such case was the 1981 debate over Richard Serra's *Tilted Arc*, a large, curved steel wall installed in Foley Plaza adjacent to a federal office building in lower Manhattan. While Serra's sculpture seemed a wonderful work of art to the aesthetically initiated, the 1,300 office workers who signed a petition demanding

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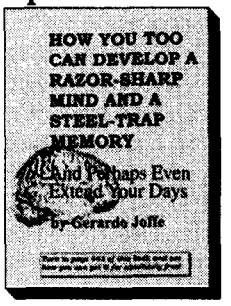

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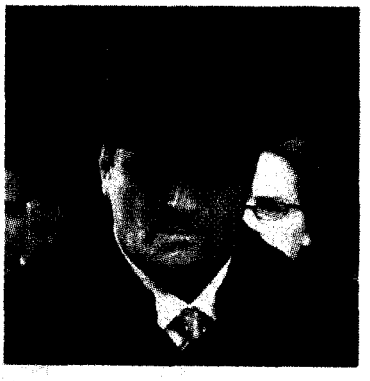

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its removal were less than thrilled that it deprived them of lunchtime open views of the plaza and passersby, provided perfect mugger cover on winter nights and had been thrust into their daily lives without consultation. After rancorous hearings, the piece was hauled away in 1986. Serra maintained that the site-specific sculpture was incapable of being benignly relocated and, therefore, had been destroyed. Since the *Tilted Arc* debacle, large public commissions are vetted practically unto death, with every probable and improbable objection, by every constituency who might lay eyes on or even hear about them taken into hypersensitive consideration. Occasionally somebody slips up, though, and General Lee stands proudly, if momentarily, in his grays.

Although Kammen comes down in favor of some kind of democratic determination when avant-garde art is proposed as public commission (he says Serra's art-expert defenders fell back on "an elitist perspective even when presented in the most reasonable way"), he more or less yields to the authority of art insiders by not saying whether he—as an educated, non-art-professional citizen—thinks *Tilted Arc* was any good. Similarly, Kammen shies away from offering an opinion about the lightning-rod work of art in the traveling British exhibition "Sensation," which came to the Brooklyn Museum of Art in 1999. The Nigerian-British artist Chris Ofili's painting of the Virgin Mary was festooned with tiny snippets of female genitalia from porn magazines and supported on the floor (instead of being hung on a wall) by two lacquered balls of elephant dung (a valued and honorific substance, it should be mentioned, in Nigerian culture). Conservative Catholics had conniptions. One even managed to deface the painting with white paint. Mayor Rudy Giuliani immediately cut off the BMA's city funding, which was then restored by court order. He appealed and lost again. (In the original exhibition at the Royal Academy of Arts in much-less-Catholic London, the most controversial work was a giant portrait of "moors murderer" Myra Hindley composed, à la Seurat's dots, in children's handprints in acrylic paint. That painting was vandalized with flung ink.)

Kammen, though, is less interested in the merits of particular works of art than he is in the complexities of the controversies they ignite. (One gets the impression that, with a professor's encyclopedic knowledge and a tenure committee member's aversion to appearing in any way unfair or intemperate, he doesn't allow himself to be moved by either great beauty or rampant grotesqueness.) If the "Sensation" protesters had won, art museums everywhere would have had to kowtow to grandstanding politicians and lowest-common-denominator public opinion. But victory for the museum raised the specter of no exhibition ever being considered offensive enough to be canceled as long as it sold tickets. Publicly, BMA director Arnold Lehman's peers rallied around him in favor of the museum's right of "free speech" and its veritable duty to present thought-provoking art to the public. Privately, they dissed the BMA's curators for deferring to mega-collector Charles Saatchi's ego and market manipulations. (He owned all the art in the show, and both the museological imprimatur and the exhibition's controversy increased its value considerably.) Where does Kammen stand on all this? Less through his own words ("Ethical issues remained front and center" is about as far as he goes) than through those of the people he quotes—*New York Times* critics Michael Kimmelman and Frank Rich, MoMA director Glenn Lowry and art historian W.J.T. Mitchell—Kammen opines that "Sensation" did considerable damage to the cause of contemporary art in American culture.

Whether art museums are playlands or profundatoriums, the question remains: Who should pay for building and operating them?

There is no shortage of similar flaps: Karen Finley, a National Endowment for the Arts grantee, smeared her naked body with chocolate while she hectored audiences about racism; a catalogue essay for a federally subsidized show called for nasty things to be done to Senator Jesse Helms; two artists took their government grant money and handed it out in cash to illegal immigrants; another Virgin Mary was violated (this time pierced by a metal sewer pipe). Yet, contrary to what this might lead you to believe, the American model of subsidizing art has been a rousing success. At least that's what Tyler Cowen contends in his recent book *Good and Plenty: The Creative Successes of American Arts Funding*. Cowen, chair of the economics department at George Mason University, limits his argument to the indirect subsidies given through tax breaks for donors and patrons. Here's one of Cowen's examples of how indirect subsidies work in the United States (and cannot work in a country like France, where tax deductions are limited to 1 percent for individuals and one-tenth of 1 percent for corporations): In 2000 the Minneapolis nonprofit organization Artspace needed $20 million to rehabilitate an old warehouse to use, primarily, for artists' studios. Artspace took the forthcoming ten years' worth of federal tax credits for low-income housing—which amounted to $9 million—and used them as collateral for a $7 million bank loan. The organization snagged another $4 million write-off from the Interior Department for saving a "historic" building. Then it "sold" the combined tax credits at a 7 percent discount to a company that agreed to become the organization's "partner." With $10 million or so in hand and a corporate sugar daddy in tow, Artspace could begin construction. Everybody won: Artspace realized its dream, needy artists got affordable places to work, a company's image was polished, Minneapolis had its creative energy ratcheted up and its reputation as a culturally progressive city reinforced, and the federal government saw its money spent, art-wise, on something more publicly acceptable than exhibiting a photograph of Robert Mapplethorpe with the handle of a bullwhip stuck up his ass.

Or did they win? Artspace's subsidy program suffered from a murkiness of purpose. Was it a way of helping to get great works of art produced? Was it a long-shot hope of increasing tourism and giving the city an economic boost? Was it a welfare program for artists? To make matters more complicated, Cowen has some pretty rubbery ideas about what constitutes a subsidy. He cites Georgia O'Keeffe and Roy Lichtenstein as having "relied on public university support early in their careers." Well, yeah, sort of. Both painters made a living for a while teaching in public colleges, but they had *jobs*, not fellowships. By Cowen's reasoning, an artist's employment as a guard in the National Gallery of Art, or as a TSA airport screener, could count as a subsidy.

Cowen is conflicted about whether or not taxpayers should directly finance works of art, having one foot in the "libertarian economist" camp, where people must pay for what they want but aren't taxed to pay for what they don't want, and the other foot in "art lover" territory, where public art and art in public are considered essential, or at least reasonable, concerns of society as a whole. His argument is inconsistent—on the one hand, subsidies ought to reward the "idiosyncratic"; on the other, there ought

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to be "a general agreement about product quality." And while he allows that a conservative Christian taxpayer might rightly object to being "forced, through coercive taxation, to support an exhibit of Robert Mapplethorpe photos," he claims that "most indirect subsidies, however, do not support art in this manner."

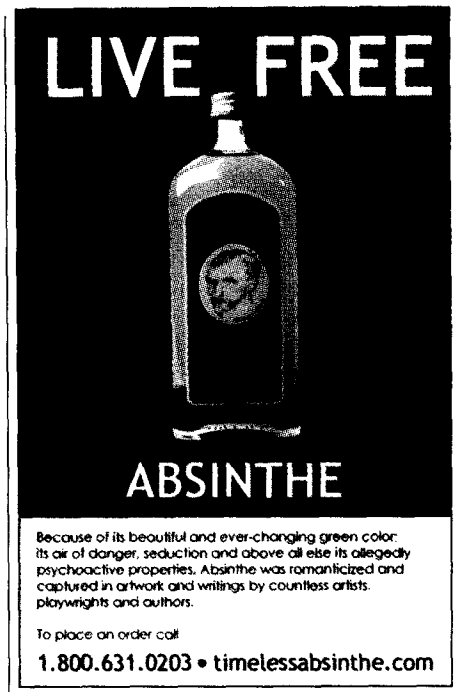
Some art supporters might object to Cowen's conceding the nominal right of a conservative Christian (or conservative Hottentot, for that matter) to object with any actual effect. But in cases like this, sins of omission (declining to spend tax money on very subjective, nonutilitarian projects) are preferable to sins of commission (spending tax money because the projects coincide with the taste of some other—albeit more "expert"—minority). Moreover, if one of the indirectly subsidized artists in an Artspace studio creates work to which a conservative Christian would object were it exhibited publicly (I'd say the odds are 100 to 1 in favor of that happening), are not the conservative Christian's tax dollars—channeled though they are through a maze of "tax credits," "corporate partners" and front organizations—still being used to support art to which he'd probably object? The only difference between a direct grant from the NEA to a solo show of an artist and the indirect subsidies Cowen lauds is the number of hands through which the cash is passed. In other enterprises, such sleight of hand is called money-laundering.

Historically, the place where subsidies for art and art controversies collide most loudly is the museum. "For all of the nineteenth and much of the twentieth century," writes Kammen, "a critical function of the art museum was to provide the visitor with a sense of structure and impose order. As early as the 1930s, however, museums found it increasingly challenging to do so successfully." During that decade, modern art got its camel's nose—Cubism, abstraction, Surrealism—into the museum's tent. The art museum became so ardently open-minded about what it deemed "museum-quality" art that it jettisoned both the requisite signs of a special talent (e.g., the artist's "knowing how to draw") favored by cultural conservatives and the special pleading known as "social context" beloved by cultural liberals. To shoehorn militantly modern art into galleries and storerooms already stuffed with academic tours de force, museums fell back on the common denominator of formalism: how a work of art is constructed visually, as independent as possible from what it means. Gradually, the art museum became a kind of high-end design showroom (i.e., you've seen the painting, now buy the poster) and a fun outing for the whole family, a theme park minus the rides.

But be they playlands or profundatoriums, there remains the question of who should pay for building art museums and operating them. State and municipal governments are strapped trying to finance grammar schools, police forces, fire departments and homeless shelters. While art museums may not be the biggest potential drains on their budgets, they do have a certain Marie Antoinette–ish vibe in times of public-sector austerity. Maybe we should allow civic-minded rich people, with passions for art and giving away art, to do it. But declining to tax the rich if they'll build a museum instead, which is just the kind of indirect subsidy Cowen celebrates, is fiduciarily the same as taxing them and having the government build a museum with the proceeds—perhaps not in matching amounts, but certainly in principle.

Full disclosure: I've had three National Endowment for the Arts individual grants during my career. The grants led to promotions and better college teaching jobs, which led to a grubstake to get to New York, which led to a fuller career as an artist and a critic, which led to... and so on. I wouldn't be sitting here in comfy circumstances writing this essay without having gotten them. Yet I maintain that taxpayer support of contemporary art is fraught with so many difficulties that it's best to let contemporary art find its own audience and support base without government assistance, just like some of America's most significant contributions to world culture—jazz, rock and roll, hip-hop, Hollywood movies and the sitcom—have managed to do. Another reason is that it's inherently unfair—isn't it?—to directly or indirectly subsidize elegant, oversized frosted glass windows in modern art museums while many public schools in the same city can't afford to replace broken panes in their classrooms.

Way back in 1953, Larry Rivers painted a cardboard-cutout-looking parody of *George Washington Crossing the Delaware*. He said, "I was energetic and egomaniacal and, what is more important, cocky and angry enough to want to do something no one in the New York art world would doubt was disgusting, dead and absurd." In my opinion, Rivers's *George Washington* is a good work of art. So are Kuniyoshi's *Circus Girl* and even Mapplethorpe's rectal bullwhip photograph. Because I



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love art, because I think I know in my *kishkas* a good piece of art when I see one, I'm basically in favor of it somehow being made available to the public.

But I'm not quite arrogant enough to believe my choices would be so good for everybody else that they ought to be enforced with public money. So while there's a lot of passionate yes-yes in my heart, there's also a rational no-no on my lips and on this page. Cowen's foot-in-both-camps dilemma is also mine, in spades. Turning to Kammen in the hope that the historian's wider perspective will provide guidance on the history of taxpayer support of art turns out to be futile. The most cogent words on the subject in *Visual Shock* come from—ye gads!—the longtime right-wing Congressman from Illinois, Henry Hyde: "Public funds in a democracy are to be spent for public purposes, not for the satisfaction of individuals' aesthetic impulses." To be fair, Kammen's subject is much broader than whether or not public funding of contemporary art is a good thing. It's about art controversies in general. And about those he concludes, "When unprecedented aesthetic possibilities conflict with national values (pertaining to the American flag, for instance), or with traditional social values (pertaining to nudity or explicit sexuality), contestation is likely to occur." Now there's something, at least, on which we can all agree. ■

My Friend, the Enemy

ROANE CAREY

THE LEMON TREE: An Arab, a Jew, and the Heart of the Middle East.
By Sandy Tolan. Bloomsbury. 362 pp. $24.95.

In 1948, in what Israelis call the War of Independence and Palestinians call the *Nakba*, or catastrophe, some 700,000 Palestinians—more than half the Arab population—were driven from their homes into exile. The dispossession of the Palestinians by the Zionist movement, representing a people who had suffered centuries of persecution in Europe, continues to haunt the Middle East, influencing events far beyond the Levant. The story of the 1948 Arab-Israeli war and its present-day reverberations has been told from almost every conceivable angle. Rarely, however, have the competing narratives of individual experience been set forth so poignantly as in Sandy Tolan's *The Lemon Tree*.

Tolan's story is woven from two intertwined lives, one Palestinian and one Jewish, around one house—"the house with two histories." Bashir Khairi was a child of 6 when, in July 1948, he, his family and almost all the citizens of the towns of al-Ramla and Lydda were forcibly expelled from their homes by the Israeli army. It was the single largest such eviction of the war, numbering 30,000–50,000 Palestinians, ordered by the newly declared state's prime minister, David Ben-Gurion, and orchestrated by a young lieutenant colonel named Yitzhak Rabin (who, after signing the Oslo Accords with the PLO more than forty years later, would be assassinated by a Jewish extremist). The Khairis, like their neighbors, were forced to leave behind everything but what they could carry on foot—the house of white Jerusalem stone, built to specification by Bashir's father a decade earlier, along with most of its furniture, clothes, food and other belongings, as well as the lovingly tended garden in back, with its lemon tree.

At the same time, Moshe and Solia Eshkenazi and their infant daughter, Dalia, were preparing to leave their home in Bulgaria to make a better life in Israel. Five years earlier the Eshkenazis, along with the rest of Bulgaria's 47,000 Jews, had narrowly escaped annihilation at the hands of the Nazis. Under King Boris III, Bulgaria had in 1941 joined the Axis powers, and by 1943 it had agreed with Germany to the secret deportation of the country's Jews to Treblinka. But Bulgaria's Jews were saved—at almost the last minute, as they had already been ordered to pack a few belongings and wait at schoolyards all over the country—thanks to the courageous efforts of a few Jewish activists and their gentile allies, including leaders of the Bulgarian Orthodox Church and some members of Parliament, who were outraged at the orders and threatened to reveal them to a wider public they were confident would also resist.

Although the country's Jews suffered harsh restrictions under the fascist government, the overwhelming majority survived the war. Even so, after it was over, Zionism beckoned them to a new life in Palestine, away from a harsh Communist regime and postwar scarcity, away from a continent that had almost exterminated them. For many of these Bulgarian Jews who made aliyah in 1948, "the journey to Israel represented a return after two thousand years of exile." Israel welcomed the Eshkenazis, settling the young family in the newly conquered town of Ramla, where they found a spacious stone house to move into, one with a lemon tree in the backyard. When Dalia was growing up, she often asked about the previous owners. Her elders and schoolteachers told her that the Arabs simply ran away—that they "preferred to leave," as one textbook put it. She accepted what she was taught, but "Why, she wondered, would anyone leave so willingly?"

Almost two decades later, in July 1967, Bashir, now a young lawyer living in exile in Ramallah in the West Bank, took advantage of the recently opened borders to visit the home he'd been expelled from nineteen years earlier. This journey, Tolan writes, "was the breath, the currency, the bread of his family, of nearly every family he knew. It was what everyone talked about, all the time: return." When Bashir rang the bell, Dalia could have turned him away, as did the Israeli living in Bashir's cousin's old home, which the men had visited earlier that day. But Dalia opened the door and let Bashir in. So it was that Bashir Khairi and Dalia Eshkenazi, now a college student, would meet and begin a remarkable friendship that has lasted to this day. Bashir, a nationalist activist, would go on to spend much of his adult life in prison after being convicted of taking part in the bombing of a Jerusalem supermarket in 1969, which killed three Israelis, and for being a member of the Popular Front for the Liberation of Palestine (charges he always denied). Dalia, for her part, was changed by that fateful knock on her door, her eyes opened to a past that had been purposely obscured by her elders, to the injustices visited upon her home's previous occupants. She would never waver in her belief in Zionism and the justness of the Jewish State, just as Bashir would never waver in his belief in the right of his people to return to their land and in a single democratic state for Arabs and Jews in all of Palestine. But both, in their meetings, debates and letters over the years, would come to recognize the humanity and essential decency of the other.

Tolan is a magnificent storyteller. *The Lemon Tree* reads like a novel, with its re-

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constructed conversations and imaginings of characters from decades past. And yet not a single element is fictional; Tolan interviewed hundreds of people for the book and has painstakingly reconstructed what was said from their memories, cross-checking with others whenever possible and traveling all over Israel, Palestine and Bulgaria to chase down the smallest details. He has also immersed himself in the historiography of Israel-Palestine; folded naturally into the personal narratives is the story of the national conflict. Yet Tolan doesn't overwhelm the reader with historical detail, saving this for the endnotes—a gold mine of resources for those who wish to explore the subject further.

These are bleak times in the Middle East. Gaza, strangled by an Israeli-American blockade, is increasingly riven by internal chaos, while West Bank Palestinians are confronted each day by new additions to a prison wall seemingly designed to destroy any possibility of a sustainable community, let alone independence. In its war against Hezbollah this summer Israel carried out a monthlong bombing campaign that pulverized much of Lebanon's infrastructure and killed more than 1,000 people, mainly civilians, while the Jewish state endured the longest sustained attack on its soil since its founding, with Hezbollah rockets turning hundreds of thousands of Israelis into temporary refugees. *The Lemon Tree* doesn't pretend to offer solutions; and yet the relationship and mutual respect of its two protagonists, and the surprising fate of the house at the heart of the story, suggests that reconciliation is at least possible. As Dalia says in a letter to Bashir, "the use of force will not resolve this conflict on its fundamental level. This is the kind of war that no one can win, and either both peoples will achieve liberation or neither will." ■

Legal Legacy

HERMAN SCHWARTZ

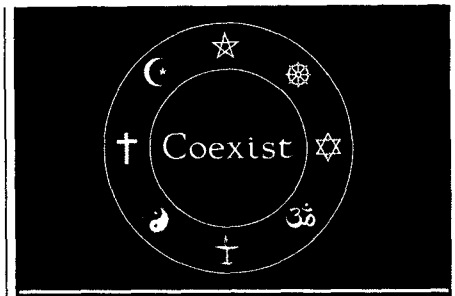
This fall, the Supreme Court enters a new era. No more will William Rehnquist stare coldly down at lawyers from the center chair. Instead, John Roberts will amiably but firmly interrogate them. And no more will Sandra Day O'Connor, sitting next to the Chief Justice, crisply ask her probing questions. Instead, Samuel Alito will politely address his from the far right end of the bench.

The next few years may see even more changes, for six of the nine Justices are over 65; John Paul Stevens, the court's eldest member, is 86. On the other hand, federal Justices tend to live a long time and, unlike judges everywhere else in the world, need never retire. Overall, there have been only 110 Justices in our entire history. The last ten Justices to leave our Supreme Court served an average of twenty-six years; the shortest tenure was fifteen years. Four of them served over thirty-one years; Stevens is now in his thirty-first. Allowing public officials to stay in office so long, subject to no accountability and virtually no check, is a peculiar—and deeply undemocratic—feature of American democracy. No other democracy tolerates such lengthy judicial tenure. The anomaly of our system is compounded by the fact that someone can be handed such power by a partisan Senate vote of just 51 to 50 or, as was true for Clarence Thomas, 52 to 48.

And yet, except for some particularly controversial nominations like Robert Bork's, most Americans do not seem to care. There is a widespread impression that the President is entitled to a strong presumption in his favor for judicial nominations, even for the High Court. Not so, for the judiciary is not an arm of the executive. It is an independent third branch, designed to check both the President and Congress when necessary, equally and impartially. Since the appointment process is the only way we have for achieving that impartiality, the Senate and the President must be equal parties in that process.

This was thoroughly understood in the eighteenth and nineteenth centuries, when even George Washington had a nominee rejected; during the nineteenth century, approximately one-third of all Supreme Court nominees were rejected, withdrawn or otherwise not confirmed. Only in the

Herman Schwartz, a professor of law at American University, is the author of Right Wing Justice: The Conservative Campaign to Take Over the Courts *and editor of* The Rehnquist Court, *based on an October 9, 2000, special issue of* The Nation.



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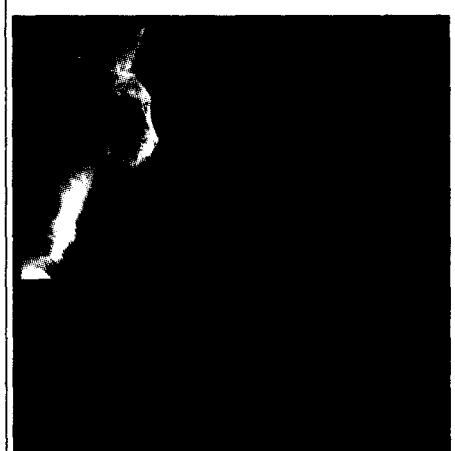

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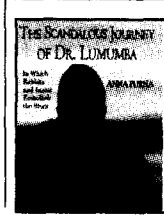

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twentieth century has the presidential presumption become so strong. As a result, most nomination hearings today are useless rituals. If the nominee has done or said anything that is remotely controversial, he or she declares that it says nothing about his or her current views and solemnly promises fidelity to judicial restraint and to precedent, and the senators get free television time for some—usually fatuous—speech-making.

Where Supreme Court nominees are concerned, this public airing is also unnecessary. Except with someone relatively unknown, like David Souter, the nominee's record usually reveals who and what the nominee is. What the senators don't already know, they won't find out, for if the nominee is at all controversial, he or she will have been well coached either to evade their questions or to give them answers they want to hear.

There were no secrets, for example, about Roberts or Alito. In 1985 Alito wrote that "the greatest influences on my views were the writings of William F. Buckley, Jr., the *National Review*...Barry Goldwater's 1964 campaign" and "disagreement with the Warren Court decisions particularly in the areas of criminal procedure, the Establishment Clause and apportionment." His entire career thereafter was consistent with that early declaration. Roberts, more discreet, said almost nothing publicly about his personal views, even though he'd devoted his entire career in high government posts, private practice and on the bench to promoting right-wing causes.

Not surprisingly, Roberts and Alito, during their first months on the Supreme Court, cast votes consistent with their prior records. In the last term, Roberts voted with Antonin Scalia and Clarence Thomas 95 percent and 92 percent of the time, respectively; in his first five months on the Court, Alito voted 87–95 percent of the time with Scalia, Thomas and Roberts. Having been elevated to the pinnacle of their profession because of their ideological purity and reliability, why should they change?

The outcomes of few important cases were affected, however. For example, in *Hamdan v. Rumsfeld*, the military commissions case in which George W. Bush appeared to be channeling Louis XIV, Alito voted with Scalia and Thomas (Roberts recused himself, having backed the government over Hamdan as an appeals court judge), but Kennedy refused to join them and made a majority (5-3) against Bush. In an important 5-4 environmental decision upholding federal power over certain wetlands, *Rapanos v. United States*, Alito again joined the Scalia-Roberts-Thomas bloc, but again Kennedy defected. And in the Oregon physician-assisted-suicide case, Kennedy again joined the liberals, with O'Connor, making a 6-3 majority; Roberts again sided with Thomas and Scalia. Nevertheless, Kennedy remains on the whole quite conservative, and on such issues as late-term abortions and affirmative action in education (both matters are scheduled for argument this term), national security, capital punishment, religious displays, disability rights and women's rights, where O'Connor sometimes switched sides to make a narrow liberal majority, Alito will probably move the Court further to the right.

BOOKS DISCUSSED IN THIS ESSAY

ADVICE AND CONSENT: The Politics of Judicial Appointments.
By Lee Epstein and Jeffrey Segal.
Oxford. 180 pp. $23.

DAVID HACKETT SOUTER: Traditional Republican on the Rehnquist Court.
By Tinsley E. Yarbrough.
Oxford. 311 pp. $29.95.

SANDRA DAY O'CONNOR: How the First Woman on the Court Became Its Most Influential Justice.
By Joan Biskupic.
Ecco. 419 pp. $26.95.

RADICALS IN ROBES: Why Extreme Right-Wing Courts Are Wrong for America.
By Cass Sunstein.
Basic. 281 pp. $26.

It is, of course, possible that either Alito or Roberts will disappoint Bush's expectations—but it's not likely. Despite the conventional mythology, most Justices vote as their backers expect. As Lee Epstein and Jeffrey Segal point out in their short but useful book on politics and the federal courts, *Advice and Consent: The Politics of Judicial Appointments*, "by and large, presidents are successful with their appointees.... More often than not, they [the Justices] vote in ways that would very much please the men who appointed them." This is because, as they emphasize, throughout the entire process—when a Justice retires, who is nominated and who wins confirmation—"politics pervades."

There are, however, exceptions, like David Souter and (to a far lesser degree) Sandra Day O'Connor, who are the subjects of two new biographies. Political science professor Tinsley Yarbrough's welcome and informative biography *David Hackett Souter: Traditional Republican on the Rehnquist Court* provides one of the few sources of information about the least known Justice in recent memory. Few knew anything about Souter when he was nominated by President George H.W. Bush in 1990 on the recommendation of former New Hampshire Governor John Sununu, Bush's Chief of Staff. Sununu, it turns out, didn't know him very well either. When Souter was nominated, Sununu reassured nervous allies that he would be a "home run" for the right. As we now know, Sununu could not have been more wrong. Souter has become one of the strongest liberal voices on the Court.

A careful reading of Souter's confirmation hearing might have alerted some astute observers that he was not quite the conservative team player Sununu imagined. When asked if he had any concerns about "rights created by the court," Souter said no. He supported affirmative action and declared that when the legislature leaves a "vacuum," judges "have got an obligation to come down with practical decrees that implement...rights." He stunned Dixiecrat Senator Strom Thurmond by asserting that the Tenth Amendment, which reserves to the states the powers not delegated to the federal government, "is something that we cannot look at with the eyes of the people who wrote it." These remarks implied little, however, as to how Souter would later vote. This is probably because before going on the Supreme Court, he had rarely ruled on the constitutional and statutory issues that make up the High Court docket. As one close friend put it, "No one knows how David Souter will vote—no one. David Souter does not know."

Sandra Day O'Connor is a very different case. As *USA Today* correspondent Joan Biskupic makes clear in her smoothly written and insightful biography *Sandra Day O'Connor: How the First Woman on the Supreme Court Became Its Most Influential Justice*, O'Connor is a politician, a pragmatist more interested in building winning coalitions than in doctrinal development. She entered Republican politics early and used her intellect, her suburban-lady charm and her genuine kindliness to impress both her peers and those in power. As Biskupic says, "Never one to upend the system, she worked within it to get what she wanted."

During her first twenty years on the Court, O'Connor was a thoroughly reliable member of the Court's right wing—something that is often forgotten today. In almost every close case involving racial justice, she came out against the minority litigant; she tried, unsuccessfully, to deny children

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of illegal immigrants a free public education, and she wrote the key opinions cutting back the availability of habeas corpus. She also sided consistently with business interests and assumed a leading role in the conservative crusade to shrink the federal government's Commerce Clause and other powers, and provided the fifth vote to allow homosexual intercourse to be made criminal. And while reaffirming *Roe v. Wade* in 1992, she allowed states and localities to raise almost insurmountable obstacles for young, rural or low-income women seeking an abortion. The only discrimination that appeared to raise her indignation was against women, perhaps because of her unpleasant encounters with sexism after she graduated from law school.

O'Connor remained conservative to the end of her career—in her last three full years on the Court she voted most often with Rehnquist, as she always had. Still, after *Bush v. Gore* she moved closer to the center in significant ways. The year after *Bush v. Gore*, she joined in barring the death penalty for retarded defendants, reversing a 1989 decision she had written for the Court. (In 2005, however, she tried—unsuccessfully—to retain the death penalty for juveniles.) In 2003 she voted to overturn the criminalization of male homosexual intercourse, though on a narrower basis than the Court majority. In perhaps her most notable shift, she drafted a 5-4 majority decision allowing racial preferences in higher education under certain conditions. And two years ago she wrote eloquently for a four-person plurality, rejecting the President's demand for unchecked power to detain American citizens in time of war.

Throughout her career, Biskupic writes, O'Connor followed a pragmatic, incremental approach focused on the facts of each case, designed to build coalitions rather than develop strict doctrinal rules. This approach has drawn both criticism and praise. Among its admirers is Cass Sunstein, a University of Chicago law school professor whose recent book *Radicals in Robes: Why Extreme Right-Wing Courts Are Wrong for America*, advocates a minimalist approach like O'Connor's.

Sunstein's case for minimalism is presented as part of a methodological discussion that purports to be neither political nor ideological but rather an objective view about how our Constitution should be interpreted. Scalia, Thomas et al. are described as "fundamentalists" who want to restore the original meaning of the Constitution; the Warren Court, its supporters and successors are labeled "perfectionists" who want to "make the [Constitution] as good as it can be." Both are found wanting. "Minimalists"—Sunstein and O'Connor—try "to reach *incompletely theorized* agreements" leaving "most fundamental questions...undecided." These have it right, according to Sunstein.

Most of the book is devoted to attacking the fundamentalists' recent victories. Although Sunstein runs through the usual analytical critiques of Scalia's and Thomas's "original meaning" philosophy and their not infrequent inconsistencies, his primary criticism, reiterated constantly without much explanation, is simply that the fundamentalists' views "produce a far worse system of constitutional law" and lead to "intolerable consequences." What makes the system "worse" and "intolerable" is assumed to be self-evident.

As for the "perfectionists," Sunstein acknowledges that "perfectionist" courts in South Africa and elsewhere have abolished capital punishment and created a vast array of civil and social rights. In those countries, he concedes, that may be acceptable, but for the "contemporary United States...minimalism is best and...both fundamentalism and perfectionism are dangerous.... Each of us ought to have a little voice in our heads cautioning: *I might be wrong*." But that's always true, everywhere, and if the fear of being wrong had stopped the Warren Court and its successors, we might still be living with "separate but equal," legal discrimination against women, official school prayers, unequal voting districts, bans on contraception and abortion, criminalization of homosexual intercourse, fewer protections for speech and much more that Sunstein considers "intolerable." All were outlawed by "perfectionist" judges.

In fact, Sunstein criticizes almost none of the Warren Court's decisions and reserves his scorn for such "perfectionist" claims as the right not to wear seat belts, to use medicinal drugs not authorized by the Food and Drug Administration, to hire or be a prostitute, and to marry a person of the same sex. Except for the last, however, liberals have not sought any of these, and, in any event, it will probably be a long time before the federal courts deal with same-sex marriage—the Massachusetts and other decisions allowing same-sex marriage were decided under state Constitutions, and most of them have been overturned.

Minimalism, on the other hand, has done a great deal of harm. "Minimalist" decisions like *Brown v. Board of Education II* (1955) allowed gradual school desegregation and produced spurious "freedom of choice" plans that delayed Southern school

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desegregation for fourteen years. The *Casey* abortion decision, discussed earlier, which abandoned the strict "perfectionist" approach of *Roe v. Wade*, and barred restrictions on abortion only if they imposed an "undue burden," is another example. Moreover, providing clear answers to questions that trouble the lower courts is one of the Supreme Court's major responsibilities. The federal appellate courts handle 35,000–40,000 cases annually, the Supreme Court only about seventy-five, and the Court's failure to set out clear rules to guide those courts has cost much time and money.

Should the Democrats be in a position to appoint enough Justices to create a "perfectionist" majority on the Court, why should these Justices not abolish capital punishment once and for all, as courts in other countries have done? Why should they not provide gays and lesbians with the same degree of protection available to other minorities with a long history of discrimination? Overturn the ludicrous 1976 *Buckley v. Valeo* decision, which equates speech with money and frustrates any hope of meaningful campaign finance reform? Authorize physician-assisted suicide for terminally ill patients who are in terrible pain? Restore the protections for the right to an abortion that *Casey* undid? All these changes can be made within the limits of judicial prudence and principled adjudication. Right-wing judges have never worried about being wrong. Why should liberals?

That opportunity may not come for quite a while, however. Roberts is 51, Alito is 56, Thomas is 57 and Scalia and Kennedy are vigorous 70-year-olds. The four liberals range from 67 to 86. There will thus be few opportunities to achieve even a thin liberal majority. Some victories will still come, for it is not possible to turn the clock back completely, nor do most conservatives want to. Also, Kennedy may come to find the other four too extreme, as he has several times this year. And there may be surprises. But the odds are against any great advances and for some serious setbacks, at least in the near future. The only way the Supreme Court can be moved back to the left is through politics. As Senator Barack Obama told an Illinois audience after the Alito vote this past January, "If we don't win elections, you're not going to get the judges you want." For that to happen, Democrats have to renew themselves as a party that offers Americans what they need, not just what the "have mores" want. It's not clear that today's Democrats are able—or willing—to do that. ■

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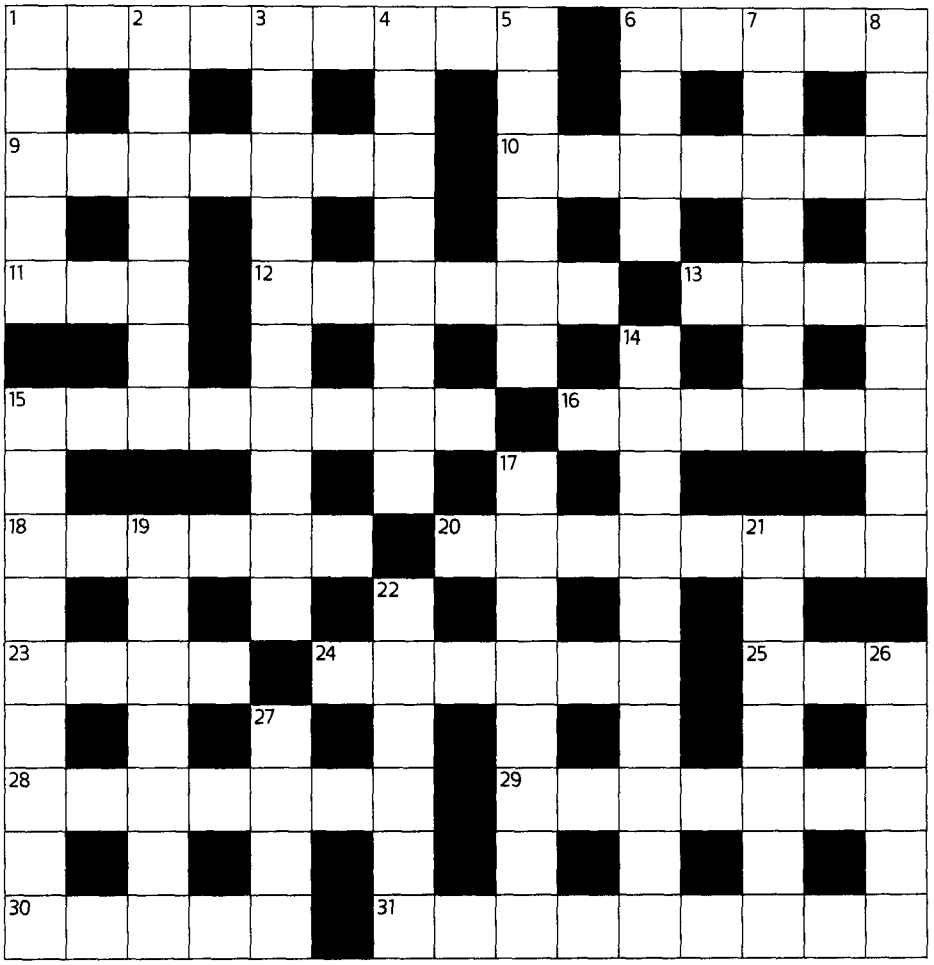

ACROSS

1 A rather moist 14, with the French putting a digit on something connected with a "smack." (9)

9 and **6** The inseparable pair Chang and Eng is back with the morning giving three points to the baseball team. (7,5)

10 Proving there is considered behavior in Brazil, which gets read when someone proves deserving of it. (4,3)

11 and **25** Part of the machine age where optimists hope for the perfect picture. (6)

12 Snooze taken with the relative end of something placed on your lap. (6)

13 What the train runs on, in reverse? You'd never believe this... (4)

15 ...on time. (It's a joke with an actual end, which has no beginning!) (8)

16 See 1 down

18 Scatter seed around at what might be very calm. (6)

20 Having a look, hollers around it—being a word of caution to the weighty type. (8)

23 The old musical had a helluva beginning with a tune. (4)

24 What you do if you don't know the word "to create a heavenly gaze." (4,2)

25 See 11

28 Given relief on the job and gave out the letters. (7)

29 Vote in the old god—one who made a killer in the family. (7)

30 See as it is different, takes things easy! (5)

31 Proving a cad has a crazy return in this place. (9)

DOWN

1 and **16** across Note holders, with what evil-doers might have to face with the bleachers. (5,6)

2 The jolly one who camped out down under sort of wags a guy down. (7)

3 One doesn't do it, to tell the truth, in *Oklahoma*, for example, unless important, and the late type. (3,2,5)

4 The bad place where the rains are on the flat, according to the actor. (8)

5 Sound receiver tops a rug, but it's wrong, I wager—and a little bit of a nuisance! (6)

6 What the burglar hopes to get coming up with a monkey-wrench, possibly. (4)

7 A reputedly fine hand so described, or the name of a symphony. (7)

8 Took a chair with a flower on a little rising street, being the type that make fun of people and things. (9)

14 Atom smasher, with a few added words coming up at this place, which provides quite a background. (10)

15 Get the mail, hurry, right away! (9)

17 and **19** They always think they can tell people where to go! (4-4,7)

21 I date Ed awkwardly and created a mental image. (7)

22 What people take when leaving in a hurry, like a war captive with the German. (6)

26 Shake Marla! This might tell you it's time to get up! (5)

27 Gore, for example, like "Too bad!" (4)

SOLUTION TO PUZZLE NO. 3053

	D	O	U	B	L	E		C	H	E	C	K	E	D
S		R		O		N		R		X		O		A
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Towson Watch Company

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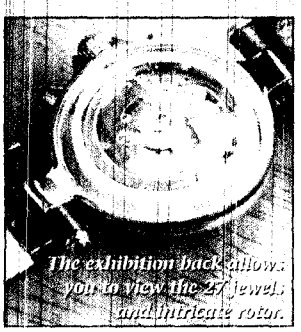
The exhibition back allows you to view the 27 jewels and intricate rotor.

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